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The Nation.

October 16, 1982 $1.25; U.K. 65p

OCT 18 1982

EDITORIAL

OPEN LETTER TO THE C.I.A.

Dear Mr. Casey:

We write in response to your recent letter to *The New York Times* putting forward again the claim that a secret intelligence service and a Freedom of Information Act are incompatible.

If it could in fact be shown that there were some serious costs to the intelligence community of being subjected to an F.O.I.A., we would still not hesitate to argue that, in order to satisfy the public's right to know, these would be costs our society should bear. But there is no such evidence, and in all the years you and your predecessors have been fighting this act you have failed to provide a shred.

The simple truth is this. You have ample authority to withhold any information that is properly classified or might somehow reveal intelligence sources and methods. Several recent decisions of the Court of Appeals underline the great deference the courts give to your assertions that information must be kept secret. To date not a single sentence has been released over the objections of the C.I.A., and just last week the Supreme Court declined to hear a case brought by the editor of this magazine to force the release of a list of the 1,000-plus books the C.I.A. subsidized through 1967.

Even so, a great deal of valuable information—on C.I.A. drug testing, covert operations, surveillance of Americans, the use of journalists and professors—has been released to the public as a result of F.O.I.A. requests without apparently harming the agency. That would seem to suggest that, if anything, the system needs to be altered to provide for greater access.

Your persistent demands for total exemption from the F.O.I.A. thus betray a sad lack of understanding of the First Amendment. Not to mention a thoroughgoing contempt for the public you presume to serve.

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Amos Kenan

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Edward Greer

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JUDGING THE JUDGES

A SCORECARD FOR THE NEW COURT TERM

HERMAN SCHWARTZ

The new Supreme Court term that began this month will be an important one. Judging by its performance last term, when swing vote Potter Stewart was replaced by the more consistently conservative Sandra Day O'Connor, the prospects for individual rights and civil liberties do not seem too ominous. But given the issues that will come before it, any prediction is risky.

There are already 141 cases scheduled for this coming year; the Court has averaged 185 in the last three terms and heard 210 in the 1981-82 session, one reason several Justices have revived complaints about their heavy workload. Five abortion cases are on the docket (there were none last term, so O'Connor's views on this subject remain unknown). These cases involve measures by certain states and localities to discourage abortions. Akron, Ohio, for example, requires second trimester abortions to be performed in a hospital; parental consent for minors; a twenty-four-hour waiting period; and an effort by doctors to discourage the procedure. Virginia and Missouri require that second trimester abortions be performed in a hospital, and Missouri also requires that a second doctor be present. The Justice Department has filed a brief supporting the restrictions; the American Medical Association and other health organizations have filed against them.

The largest single portion of the Court's time is likely to go to thirty-two cases involving law enforcement, prisons and police practices. Nine of these involve search and seizure, and, if history is any guide, the Fourth Amendment will take another beating. In almost all of the cases

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LETTERS.

THE FIRST V. THE SIXTH

New York City

Although I have long admired Richard Harris's writings on the law, I was amazed at his spirited defense of *New York Times* reporter Myron Farber's refusal, in the face of a subpoena, to turn over his notes to the judge in the 1978 New Jersey murder trial of Dr. Mario Jascalevich ["The (Mis)Trials of Myron Farber," *The Nation*, Sept. 18]. The court had asked for his notes to determine whether they contained material useful to the defense.

While I have spent a considerable portion of my professional life supporting the First Amendment, I do not share Harris's implicit premise that it should, in all instances, take precedence over the Sixth Amendment's guarantee of a fair trial. A newsman who occupies a desk in the prosecutor's office and cooperates fully with him in the investigation of crimes allegedly committed more than a decade before becomes an adjunct of the state and, accordingly, subject to the mandate of due process.

Harris's furious attack on the defense counsel, the trial judge, three appellate tribunals and several U.S. Supreme Court Justices is, to put it mildly, vitriolic. He sounds more like a member of the prosecutorial staff than a dispassionate analyst of the facts and circumstances leading to Farber's contempt conviction and its ultimate affirmance by every court asked to review it. He even goes so far as to suggest that the twenty or so judges who were, in one way or another, involved in the case may have been influenced by their innate dislike of the press.

The recurrent clashes between the often competing concepts of free press and fair trial indeed raise serious and difficult questions. Only recently, trial judges have been authorized to close to the media certain pretrial proceedings where, in their opinion, the prejudice to the defendant significantly outweighs the public's right to be informed. The Jascalevich court was merely attempting to determine whether Farber had acquired information tending to exonerate the physician. It would be a tragic distortion of the First Amendment and a travesty of justice to hold that one accused of a most serious (or any) crime is not entitled to the benefit of evidence that might exculpate him or her simply because it had been obtained by a reporter. What Harris decries as "the overwhelming solicitude [of the courts] about Jascalevich's rights" was, in truth and fact, nothing more than the latter's due.

William M. Kunstler

HARRIS REPLIES

New York City

Although I have never admired William Kunstler's practice of the law, I am still amazed that he can't get the simplest facts straight. His entire letter is based on what he describes as my "implicit premise" that the First Amendment's protection of the press "should, in all instances, take precedence over the Sixth Amendment's guarantee of a fair trial." I implied no such thing; Kunstler inferred it—and without a scrap of evidence. In fact, I didn't address the basic conflict between the First and the Sixth at all—in *The Nation*, in print elsewhere or even in my mind; I suspect that issue probably should be dealt with on a case-by-case basis.

In my comments in *The Nation* I addressed only the question that should have been, but never was, answered by the courts in the Farber case: How can a clearly illegal subpoena be enforced without a hearing on it beforehand when the law states that everyone has a right to a hearing on any subpoena before it is enforced? One can imagine what would happen if a subpoena like that served on Farber and *The New York Times*—demanding *all* records they had on *anything* to do with the case—was served on a client of Kunstler's.

I made the basic point several times—often enough, I thought, for even the most obtuse or careless reader—as, for instance, when I wrote: "No competent court in this country would uphold subpoenas like those served on Farber and *The Times*. Under the law, subpoenas must be reasonably specific, and the items sought must be shown to be relevant and material to the case at hand; equally important, anyone subpoenaed has a legal right to a court hearing to determine whether the subpoena meets these standards. The standards are established by the Constitution, by statute and by court interpretations, and the legal right is known as 'due process of law.' That right belongs to everyone in the United States; it has nothing to do with journalists in particular." The courts' repeated denial of this basic right to a hearing on the subpoenas served on Farber and *The Times* was the whole point of my piece. I'm sorry that Mr. Kunstler missed it.

Richard Harris

AN OVERLOOKED CANDIDATE

Indianapolis

Given Mark Green's political priorities—creating a new-look liberal Democratic Party—his analysis of the 8th Congressional District race in Indiana, which pits Frank McCloskey against Republican incumbent Joel Deckard, is neither surprising nor terribly insightful ["A Guide to Twenty Key House Races," *The Nation*, Sept. 18]. But as a Hoosier voter interested in real solutions to real problems and as a longtime *Nation* reader, I was extremely disappointed to see no mention of the truly interesting candidate in the race: Bob Arnove of the Citizens Party.

Arnove doesn't dream of raising $200,000, but he *is* putting together a grass-roots campaign and he isn't afraid to talk about the issues with the voters in his district. Arnove's positions should sound familiar to readers of *The Nation*: he is committed to nuclear disarmament and to deep cuts in the military budget; he is an uncompromising advocate of an immediate transition to renewable, safe energy sources; and, instead of rambling on and on about the bankruptcy of Reaganomics—a point admitted by George Bush himself during the 1980 primaries—Arnove talks about popular initiatives for democratizing the economy. Additionally, Arnove has worked as a consultant to many Third World nations and therefore understands the problems of development in the nonindustrial world.

Since the issues that motivate voters even in this allegedly conservative district defy the conventional conservative-liberal dichotomy that Green apparently holds so dear, it is not surprising that Arnove's campaign has begun to receive a fair amount of attention from local media and voters. It is a shame that *The Nation*, whose support of third-party efforts has been generous in the past, has yet to take notice.

Harold Karabell

THE 'GUARDIAN' NEEDS YOU

New York City

The Nation's support of "Periodical Pluralism" [editorial, Sept. 4] is commendable. I hope other progressive journals will follow that example in this period when Reaganomics threatens to shut down so many important publications.

I would like to draw your readers' attention to the plight of another irreplaceable left-wing newspaper that has fallen on particularly hard times: the *Guardian*, which has been published weekly since 1948 as an independent radical alternative to the business-controlled press.

The *Guardian* is facing an ominously large deficit this year, mainly because of actions by the Reagan Administration—in particular, the increase in nonprofit postage rates and the ban on travel to Cuba, which killed our Cuban tours program. These moves have greatly compounded the recession-related problems that confront all small businesses. High joblessness has also affected our readers' contributions, a principal source of revenue.

If the *Guardian* were forced to cut back sharply (or worse), where would progressive people turn for consistent coverage of liberation struggles in Central America and southern Africa? Or for reports on the people's movements and politics in the United States from an independent Marxist perspective?

Tax-deductible contributions can be sent to the *Guardian*, 33 West 17th Street, New York, NY 10011.

William A. Ryan
Managing Editor
The Guardian

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EDITORIALS.

The Truly Rich

Avid to learn how today's "Big Rich" are different from the rest of us, we snatched up the September 13 issue of *Forbes*, with its cover story on "The Richest People in America: The *Forbes* Four Hundred." We were disappointed to discover, however, that the main difference can still be expressed in Ernest Hemingway's by-now hoary riposte to Scott Fitzgerald: "They have more money."

Perhaps it was that "Four Hundred" that unduly raised our expectations. After all, the original Four Hundred announced by freelance snob Ward McAllister back in 1892 purportedly referred to the number of Mauve Age plutocrats who could fit comfortably into the elegant ballroom of Mrs. William B. Astor's mansion in New York City, presumably leaving room for several thousand footmen. Actually, McAllister's list was a symbolic one, intended to denote those whom Mrs. A. thought worthy of knowing. It had a certain phony *ton* and, once proclaimed, generated endless stories in the society pages about imported nightingales singing in the *orangerie* while the guests quaffed Mumms to wash down their terrapin and saddle of lamb.

Forbes's figure of 400 has nothing to do with the number of swells Malcolm S. Forbes, chairman and editor in chief of the magazine, can fit on his yacht without causing it to list. It is supposedly a strictly utilitarian compilation, with the soul of a balance sheet. All one needs for admission is $100 million.

There is none of this tiresome business about hiring nannies and Italian masters for your children, summering in Newport and marrying off your daughter to a mendicant nobleman. In keeping with its, shall we say, functional view of the Big Rich, the magazine downplays conspicuous consumption, observing that "a family with $10 million or

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so . . . can readily live, and in fact many do live, as well as most of the country's centimillionaires." On the income from a mere $400,000 in tax-exempt bonds, for example, one can buy a year's worth of "very fine dinners for two at gourmet restaurants," and a modern convenience like the Concorde makes owning a private jet unnecessary, since it costs only $1,800 one way from New York to Paris and gets you there much faster. (Elsewhere in the magazine, a warning note on inflation is sounded: Concorde ticket prices have risen 58 percent in the past two years, though mink coats are still holding firm at $10,000 each and Beluga caviar at $199 for a seven-ounce jar.)

What sets the Big Rich off is that they are "solidly rich, rich enough to make a difference." A difference in what? Presumably in the nation's economy, because having so much dough and so little to spend it on, *Forbes* says, the Big Rich must resort either to philanthropy (which is "'in' among the very wealthy") or to investments and reinvestments, creating jobs for the rest of us. Freed from the need to build a $5 million pile on Fifth Avenue (1890s prices) or to conspicuously consume, today's rich can theoretically spend their money performing useful social functions rather than their time going to them.

While it is difficult to generalize about the investing habits of a group so heterogeneous as the *Forbes* Four Hundred, a conscientious compilation of them would surely include such job-creating ventures as the attempt by W. Herbert and Nelson Bunker Hunt to corner the silver market. How much of this stewardship of wealth backs conglomeration capers like the recent Bendix-Allied-Martin Marietta affair? And how much of it goes into real estate speculation, luxury-condominium developments and tax shelters? (And how much tax do these people pay, anyhow—if any?)

As a "capitalist tool," *Forbes* can take the social utility of concentrated wealth on faith, but the rest of us might like a more extensive discussion of the uses to which it has been put, the power it buys, the impact it has on the modern economy. Still, until a 1980s version of Gustavus Myers's *History of the Great American Fortunes* comes along, we must take what factual nourishment we can from *Forbes*'s compendium, which displays considerable journalistic industry. Tracking down the extent of the various holdings reported in the magazine must have been no easy matter, and the denials by the chosen subjects that they are worth anywhere near as much as they are reported to be must have become rather tiresome. (As Malcolm Forbes points out, Howard Hughes was said to be worth billions, but when he died his fortune immediately shrank to $200 million—at least in the eyes of his tax lawyers.) It is interesting to note that Forbes himself is the only person on the list whose fortune is not given. Since his name appears last, under an offsetting heavy black rule, could it be that he doesn't belong there? Listen, Malcolm, that yacht and those hot-air balloons you own don't fool us. Any parvenu with $10 million could swing them.

Our main criticism of the *Forbes* article, however, is that it may have a deleterious effect on youthful ambition. Among the first 200 wealthy folk listed, more than half inherited their money, and a number of others, like Malcolm Forbes, took over more or less successful businesses from their fathers. This kind of old money would unfrost Mrs. Astor's hospitality, but inspiring it's not. Eat your heart out, Horatio.

Chile Weather

One month ago, on September 11, Chile completed nine years under Gen. Augusto Pinochet. The President, constitutionally due to remain in office until at least 1990, marked the occasion with a speech warning that "the government will apply the full weight of law against those disrupting public order," especially political dissidents and representatives of church organizations.

No great surprise, then, that on September 30 the Chilean judiciary, under rules of law suspending normal political rights, acted to rid the nation of eight troublesome human rights activists, including the national secretary of Chile's widely respected Human Rights Commission and two staff members of the Catholic Church's Commission for Justice and Peace. The charge: disregarding the "political recess," as the nine-year-old suspension of political activity is called. The sentence: exile. More precisely, 541 days of exile; but the exactitude of the number is almost endearingly ironic, for not a single Chilean formally exiled in the past nine years has been allowed to return.

The eight defendants, all members of a small Catholic-socialist party, the Christian Left, were arrested last December 10, Human Rights Day. They were held incommunicado for up to twenty days—legally—during which time psychological and physical torture, long since perfected by Chile's guardians of public order, produced the desired confessions. From there on, through both lower and appellate court proceedings, the case has been a model of the Pinochet government's contention that Chile is ruled by laws not men: under the 1981 Constitution and its "transitory articles," so much is outlawed that the thoroughly compromised judiciary can be permitted to appear independent. One observer at the recent appellate proceedings noted, "They have done the equivalent of making it illegal to have breakfast. By covering such a range of activity with the label 'political,' they can choose whom to prosecute and then just let the courts do the work."

The eight went into hiding when the latest decision came down. It seems unlikely, however, that they can evade capture for long.

The Reagan Administration, meanwhile, plays a waiting game on Chile. One move toward certification for military aid was quietly quashed inside the State Department earlier this year; the Pinochet government is still too controversial to champion against Congressional advocates of human rights. But there is no shortage of good will. In Santiago in July, Deputy Assistant Secretary of State Everett Briggs noted "differences" between the two countries on human rights while stressing that "we have moved to restore a normal bilateral relationship with Chile, after several years

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of confrontational diplomacy." As Briggs added, there have been high-level visits, official economic credits and increased "cooperation." As to arms sales and credits, held back by Congress since 1976, "we hope to be able to resolve [this matter] at an appropriate time."

The sooner the better, from Pinochet's point of view. This is an especially touchy period in Chile. The government presides over an acute economic crisis: 23 percent acknowledged unemployment, a recent 60 percent currency devaluation and resultant inflation, 533 bankruptcies in the first eight months of this year, an expected 12 percent drop in the gross national product for the year. Loud complaints are coming from the formerly delighted private sector, and the population at large is increasingly desperate. Political arrests, "preventive raids" and incidents of torture have, not by coincidence, risen dramatically over 1981 levels.

The case of the eight, coupled with the expulsion of Human Rights Commission president Jaime Castillo last year, reveals the government's decision to silence human rights groups as their work becomes even more necessary. The Pinochet regime seems to be taking a leaf from the Salvadoran military's book: if no one is safe publicizing human rights abuses, and if the number of reported cases and statements of protest therefore declines (as has occurred in El Salvador), then quite possibly it could find itself presented for State Department certification—another case of "improvement" in human rights conditions. And the beauty of it is, it's all quite "legal." CYNTHIA BROWN

Cynthia Brown writes frequently for The Nation *on Latin American issues.*

Cruising Along

Amsterdam

Reagan- and Thatcher-style austerity politics made strong inroads onto the European continent in the Dutch parliamentary elections this September. The issues were largely economic—rising unemployment, inflation, high interest rates, capital flight—but the real victor in the elections was Reagan's nuclear strategy for Western Europe. Unless something unforeseen intervenes, the Netherlands is likely to have a conservative coalition Cabinet extremely sympathetic to the deployment of cruise missiles. This, together with the fall of the Schmidt government in Bonn, would deal a major blow to the European antinuclear movement.

Despite the efforts of the Dutch peace movement to bring the missile issue to the fore in the campaign, the Christian Democrats (C.D.A.) and the right-wing People's Party for Freedom and Democracy (V.V.D.) managed to avoid it and focus instead on the country's deepening recession. It was a clever maneuver, considering some 70 percent of the Dutch public opposes missile deployment.

The C.D.A./V.V.D. coalition takes what is called here a "double-track" position on deployment: cruise missiles will be deployed in the Netherlands some time around 1983 unless the United States and the Soviet Union agree on an arms limitation treaty before then. Yet Christian Democratic leader Andries van Agt has started to show signs of impatience, urging that a decision on deployment be made sooner. And his Minister of Defense, Hans van Mierlo, has said that the Netherlands should begin to prepare for the missiles now, although that preparation need not indicate acceptance.

A Dutch public well informed on the nuclear issue is not likely to fall for that kind of logic. The peace movement has been pressing the point for years that nuclear deployment is a process of relatively small concessions, that negotiations are nothing more than preparations for deployment and that the only way of effectively opposing the final step, the actual stationing of the missiles, is to protest against every incremental step along the way.

The Netherlands' position depends heavily on what happens in Germany, and that does not bode well. Even before the fall of the Schmidt government there was talk of Germany abandoning the double-track position and accepting a compromise whereby the United States would station about 100 missiles in Sicily and in Britain and the Soviet Union would deploy an equal number of SS-20s in return. Now, with Christian Democrats in power in Germany, this is likely to be pressed on them with greater force.

Such a compromise is unacceptable to the peace movement, which is fighting for a completely denuclearized Europe. According to Wim Bartels, international secretary of the Inter-Church Peace Council in the Netherlands, if the cruise missiles are stationed in Sicily and Britain, it would be almost impossible to keep them out of Germany, the Netherlands and Belgium.

In the face of these challenges, how can the peace movement respond? Bartels says the first step must be to show that "there is no social basis for deployment." In the Netherlands, the majority of the population is opposed to nuclear deployment both because of the inherent danger of the missiles and because they symbolize U.S. dominance over Western Europe. Bartels says that "this social and political opposition must be made vocal in continued demonstrations."

The second step, he says, should be to concentrate more antinuclear activity in Italy, where the missiles are scheduled to be stationed first.

Perhaps the biggest obstacle to formal Dutch acceptance of Reagan's nuclear strategy is the realization on the part of the Netherland's leaders that the social consequences of such a decision would be catastrophic. Four hundred thousand people demonstrated in Amsterdam last November against nuclear weapons in Europe. The peace movement is not going away. A decision to accept deployment would relegate the new coalition's popular conservative economic platform to second place behind the nuclear issue in the minds of voters. For a coalition trying to establish some longevity, that would be politically unwise. KEVIN MOORE

Kevin Moore is the coordinator of the militarism and disarmament project of the Transnational Institute in Amsterdam.

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MINORITY REPORT.

CHRISTOPHER HITCHENS

Why should racialists be attacked for practicing discrimination? Of all faculties, surely that is the one they most lack. Once decide that people are to be disliked or subordinated for being black or Jewish or Arab, and you surrender the ability (as well as the right) to distinguish among them. Racialism—a more accurate term than "racism"—is, like many other evils, quite literally *indiscriminate*. Implicitly, we recognize this by making scornful jokes about tokenism ("some of my best friends," etc.). The subject becomes more intricate when one has to consider the politics of a large multiracial society. Not many leading conservatives care any longer to make it easy by publicly avowing hatred or contempt for minorities. Even Ronald Reagan, when he spoke of his distant youth as a time "before we had a racial problem," revealed utter ignorance and innocence rather than brute prejudice. Nonetheless, things are bad enough for black America to make it worth asking—is this a racialist Administration?

The President allows as how this charge upsets him more than any other. Call him a warmonger, a liar, a lamebrain, and he smiles sweetly. Call him a bigot and see what you get. As he told the dinner of the improbable National Black Republican Council in Washington's Shoreham Hotel on September 15:

> Well, usually I try to ignore personal attacks, but one charge I'll have to admit strikes at my heart every time I hear it. That's the suggestion that we Republicans are taking a less active approach to protecting the civil rights of all Americans. No matter how you slice it, that's all baloney. . . . There is no room in the Republican Party for bigots.

In the same speech, the President gave us a glimpse or two of his general theory on the racial issue:

> This country entered the 1960s having made tremendous strides in reducing poverty. From 1949 until just before the Great Society burst upon the scene in 1964, the percentage of American families living in poverty fell dramatically from nearly 33 percent to only 18 percent. With the coming of the Great Society, government began eating away at the underpinnings of the private enterprise system. The big taxers and big spenders in the Congress had started a binge that would slowly change the nature of our society.

He followed this with another insight:

> It is ironic that had the economic expansion and low inflation of the years prior to the Great Society been maintained, black families and all Americans would be appreciably better off today. In fact, had we just maintained the progress made from 1950 through 1965, black family income in 1980 would have been nearly $3,000 higher than it was after fifteen years of Great Society programs.

There is an obvious retort to this, which can be felt like the pain of an old wound. If it hadn't been for the terrible war that Lyndon Johnson waged on Vietnam, who knows what his "Great Society" might have become? At just the point when black Americans were beginning to emerge definitely and undeniably, there came a gigantic expense of resources on an unjust war and a revival of the most indiscriminate kind of conservatism.

It's also escaped Reagan that the black movement in the 1960s occurred partly *because* of rising standards. Nothing "ironic" there for any student of history.

Still, Reagan's economic policy is not a racialist one. It demoralizes and damages *all* poor people regardless of color, creed or national origin. Its effect on black people will indeed be disproportionate. One thinks of the near abolition of the Legal Services Corporation. But it is the very lack of discrimination in the strategy that stirs protest. Even the Democratic National Committee finds it unfair.

Can it be said of the President's other policies that they are nondiscriminatory? Only if one is fair to the point of feeblemindedness. Some of his actions are merely symbolic—such as the refusal to honor the birthday of Martin Luther King. Some are ugly and suggestive—like the treatment of political refugees from Haiti. Some are so obvious that they may even be subconscious—nobody would know from a detached study of U.S. foreign policy that the country had any black citizens at all. It is when we come to civil rights, in education in particular, that we find affirmative action being taken in support of discrimination and segregation.

Step forward William Bradford Reynolds. The past experience of this fellow, chiefly in the defense of insurance companies, has included very little of what might be called "civil rights background." Nonetheless, as the Assistant Attorney General for that division of the Justice Department, he has displayed uncommon confidence and forthrightness. He has, for instance, announced the support of the Justice Department for legal challenges to "court-ordered" (i.e., legal and constitutional) busing. Reynolds, in short, is looking for a test case. He may find many litigants eager to cloak their plaints in his patronage. More, the Emergency School Aid Act, which provides funding for "magnet" schools in difficult areas and which organized the resources for voluntary desegregation—which Republicans *say* they want—has had nearly 80 percent of its budget shorn away. So, not only is the legal basis of school desegregation being eroded, the economic possibility of it is being abolished as well.

One might converge these two arguments on the case of Milwaukee. The superintendent of schools in that city, Lee McMurrin, said recently that the slashing of funds for voluntary desegregation "forces school districts back to mandatory busing, which is the cheapest and in many cases the most miserable way to integrate the schools." If McMurrin tries that he will find William Bradford Reynolds waiting for him.

Thus, by means of one indiscriminate policy, that of cuts in Federal aid, and one discriminate policy, that of selected legal challenges, the President marches on. He may not be a bigot, but that may not be the point.

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ARTICLES.

'THE LABOR PARTY IS TO BLAME'

The Zionist Dream Becomes Nightmare

AMOS KENAN

The Russians once invented a translating machine. To test it they inserted the English phrase, "The spirit is willing, but the flesh is weak." The result, in Russian, came out, "The vodka is good, but the meat is rotten."

Shimon Peres is this kind of distorted reproduction, just as his Labor Party is a distorted reproduction.

Shimon Peres is an apparatchik—of an apparat that does not function anymore because its motor is dead. The motor was once fueled by the original spirit of Zionism, in its socialist version, a dream of two generations of humble prophets and naïve visionaries: Zionism not just as another national liberation movement but as an experience in humanity, not only to create a new Jew in a new homeland but to create a new specimen of humankind. That dream has been turned into a nightmare by the experience of statehood and the needs of *Realpolitik*, and it is the Israeli Labor Party that is responsible. It is the Labor Party that is to blame for the face that Israel is now wearing, the face of Menachem Begin and Ariel Sharon, of military oppression and moral decline. Menachem Begin was not *elected* to power; he fell into it, sucked into the vacuum created by the Labor Party and its chief architect, David Ben-Gurion.

Ben-Gurion, a strong and charismatic person, was the only statesman of his generation who did not comprehend the new map of the world after 1945, who did not foresee or understand the breakup of old empires, the end of colonialism, the rise of new nations, the emergence of the Third World. Until 1956, when France and Britain withdrew from the Suez and from the Middle East forever, he still believed that these were powers in the world, powers to rely on.

In the mid-1940s, illuminated by the flame of the Holocaust, a war raged in Palestine between the Jews and the British Empire, the former led by the left-wing fighting force of the Palmach and the smaller nonleftist groups of the Irgun and the Stern. In 1948, Ben-Gurion had them liquidate one another and disappear from political life so that their anti-imperialism would not affect the course of the newly born state of Israel. Ben-Gurion still did not believe that imperialism was dead.

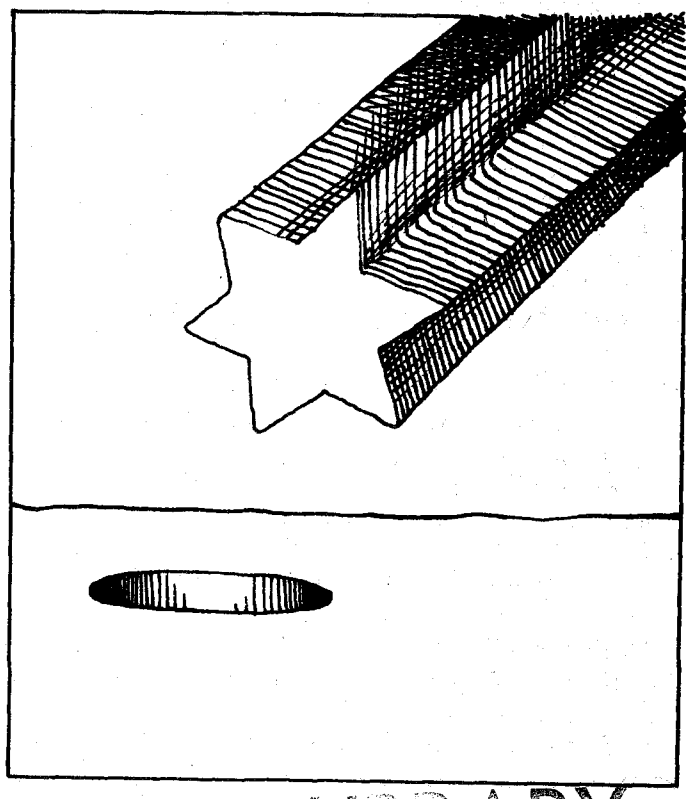
After this liquidation, Ben-Gurion seized an opportunity to drive Palestinian Arabs from Palestine, an opportunity provided not only by the guilty conscience of the West after the Holocaust but also by the fact that the leadership of the Palestinian Arabs had collaborated with Hitler. The ancient Arab regimes that subsequently invaded Israel were driven off in a genuinely heroic fight, but they were driven together with the bulk of the Arab population, which was then left to pay in refugee camps for the crime of corrupt leaders. The crime of Deir Yassin, although not committed by Ben-Gurion, was a benediction for him.

This tragedy, the root of all evil, all problems, in the area, was then sealed by a conspiracy between Ben-Gurion and King Abdullah of Jordan, at the time a British puppet. Jordan would get the West Bank—where the Palestinians had hoped to establish a separate state—so as to absorb and replace any Palestinian nation, and Israel would see the Palestinian problem vanish forever.

Ben-Gurion thus set Israel on a collision course with Arab aspirations, Arab hopes. He did not believe in coexistence and cooperation with the Arabs and did not trust one single Arab leader. He sought all his life to make the West provide an umbrella for Israel's protection, forcing the West always to choose between us and them—and if it's not us, we'll create enough trouble to prove that it must be us.

This is the political school to which Peres went. And not alone: Moshe Dayan, too, learned there, the Dayan who had been instrumental in sealing the pact with Abdullah, who invaded Egypt in 1956, who brought the Yom Kippur war on Israel.

Peres found refuge and comfort as the Deputy Minister of Defense under Ben-Gurion. He developed and nourished Israeli relations with France, which at the time was engaged



DRAWINGS BY TONY AUTH

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in the Algerian war: Israeli soldiers were trained in French military camps; Israeli officers went to the Ecole de Guerre; Israeli experts helped French administrators in Algeria. Meanwhile, the Israeli secret service was helping King Hassan II of Morocco put down domestic opposition and reportedly even had a hand in the assassination of Ben Barka, the promising opposition leader. Israel also was involved in shipments of arms to Cuba's Batista, strange secret military relations with South Africa and nuclear research projects with the French. This is the world in which Peres grew to become a full-scale apparatchik, the world in which he gradually accumulated power.

On the Palestinian issue, Peres has been no less rigid than his mentor. He invented the fiction of a "Jordanian solution" that was rejected by Jordan and opposed completely by the Palestinians. Even today his position is not far from Begin's. Like Begin, he believes the Lebanon war was a good way to eliminate the Palestine Liberation Organization and clear the way for a Middle East settlement in which the Palestinians will be forever excluded. The only difference in policy between the two, a slight one, is that Peres would be willing to give Jordan back part of the West Bank as a token "territorial compromise," while Begin will allow Jordan to stay as it is and surrender to Israeli peace terms as well.

Peres also has a somewhat different strategy. He believes the Arabs have to be pushed, gently but perpetually, not letting them feel how, one by one, newly created "facts" keep pushing them. One should never make these stupid noises that Begin is making, he would say. Don't boast, don't threaten, don't overkill. Just push, push. In this way, Peres believes—as the Labor Party believes—facts can change geography and thus become history.

But one cannot change geography. And any geopolitical map on which Palestinians do not exist as a sovereign entity is worthless and invalid. That is why Peres cannot replace Begin as Prime Minister.

Not that there is much practical likelihood of that. There are social circumstances that make it almost impossible for a socialist to be elected, be it Peres, Eban, Rabin or anybody else.

In Israel, white-collar workers vote Peres, blue-collar masses vote Begin. In Israel, Oriental Jews have low status, low income, low education. European Jews have high status, high income, high education and every high position in the social, political and military structure. In Israel, the Peace Now demonstrators are white, blond and blue-eyed; the prowar demonstrators have black hair and black eyes. And as long as peace with the Arabs is represented by socialists who took the fat of the land and left the poor in the slums, there will be no peace and there will be no Labor Party Prime Minister. Period. The poor cannot be fooled by this kind of a Labor Party; they would rather have an honest bourgeois party robbing them to death but offering them sweet revenge and some pride and a sense of power.

Israel is an Inferno for old-school Marxists. It acts crazy under a Marxist microscope. It gives the right answers only to the wrong questions.

In such a perverted situation, Shimon Peres sticks out as a very tragic hero of a not-funny comedy.

Shimon Peres is not a bad guy—he lacks the dimension. But neither is he a nice guy. There is no way to paint a portrait of such a person, because a portrait can only be drawn from life. All we have here is a skeleton, and one can only make a reconstruction from that. A skeleton of what once was the socialist Labor Party. And a skeleton cannot have a human face. □

THE MANVILLE MANEUVER

Going 'Bankrupt' To Flee the Public

EDWARD GREER

The surprise move by the Manville Corporation this August to file for reorganization under Chapter 11 of the Bankruptcy Act was one of the neatest pieces of corporate sleight of hand ever perpetrated on the American public. The lawyers responsible well deserve the riches they will receive for their professional artistry, and the company's officers richly merit large bonuses for protecting their stockholders so ably.

The Manville Corporation is the largest manufacturer of asbestos in the United States and for the last fifty years has been a leader in the industry. Millions of workers during that time have been exposed to asbestos and, as it has lately been determined, such exposure can cause asbestosis, mesothelioma and lung cancers. In recent years Manville has been the target of an increasing number of lawsuits by workers seeking compensation for their disabilities, and at the time of its bankruptcy filing there were no fewer than 16,500 cases pending.

Manville was naturally worried. There was no way of knowing how many workers were affected and, since the diseases can be latent for twenty years or more, no way of knowing how many suits might arise over the next decades. The financial exposure of the corporation was unlimited. Particularly troublesome was the prospect of juries assessing *punitive* damages as well as compensatory awards, on the grounds—for which there is some documentary evidence—that the company in fact knew about the health hazards of asbestos and yet continued to manufacture the product anyway. And since insurance companies do not have to reimburse their policyholders for punitive damages awarded in a personal-injury suit, Manville would be forced to pay them out of its own pocket. The risk was enormous: current claims already amount to billions of dollars and it is estimated that potential claims will be considerably greater.

Until August, Manville fought every suit to the limit, and

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it won almost half of those that went to trial, even though these early cases were generally regarded as strong by the plaintiffs' lawyers. That was not enough to allay the company's fears, however, because even when it wins it has to pay large legal costs—larger in fact than the average compensatory award. (The Asbestos Compensation Coalition, a lobbying group for the asbestos industry, estimates that the average award is $28,000 and that legal fees for a defendant corporation come to almost $75,000.) This may help to explain why Manville chairman John McKinney recently told the press: "It is no pleasure for us in the long run winning a case against a person who is obviously disabled."

At this point, into the corporate mind comes a thought: why take the chance of losing a lawsuit—wouldn't it be better to prevent workers from suing at all? And thus the Manville Maneuver was born.

The scheme has the legal community astounded with its boldness. Here a successful corporation files for bankruptcy not because it *is* bankrupt—in fact it happens to have $2 billion in assets and a favorable cash flow—but because it may go bankrupt many years from now. But by declaring bankruptcy now it gets to enjoy a number of advantages, most of them provided by our representatives in Congress who created the Bankruptcy Reform Act of 1978.

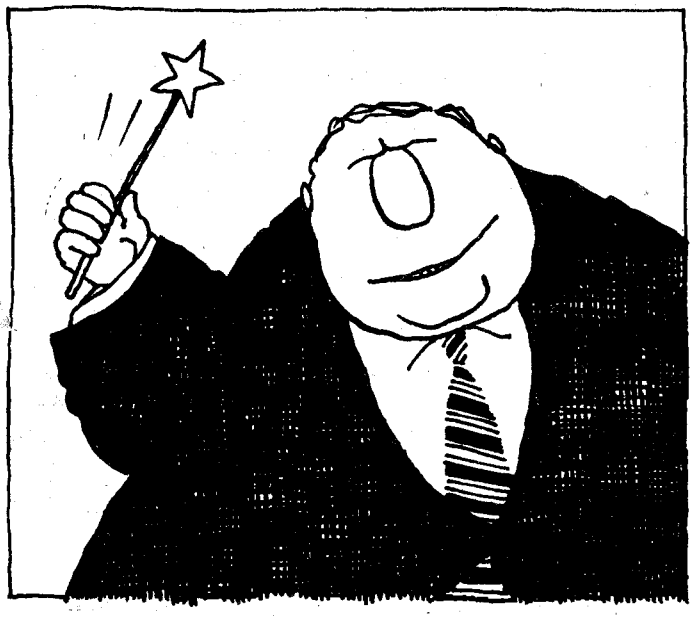
First, under the provisions of that act, all of the pending cases against Manville were automatically transferred from state and Federal courts, where there is a right to trial by jury and assessment of punitive damages, to bankruptcy courts, where neither condition applies. Moreover, the suing plaintiffs may not put in their claims until all the "secured" creditors—banks and corporations that Manville has been doing business with—get the full share of what is owed to them. I would estimate that by this one clever dodge Manville reduced the value of the lawsuits against it by 80 percent.

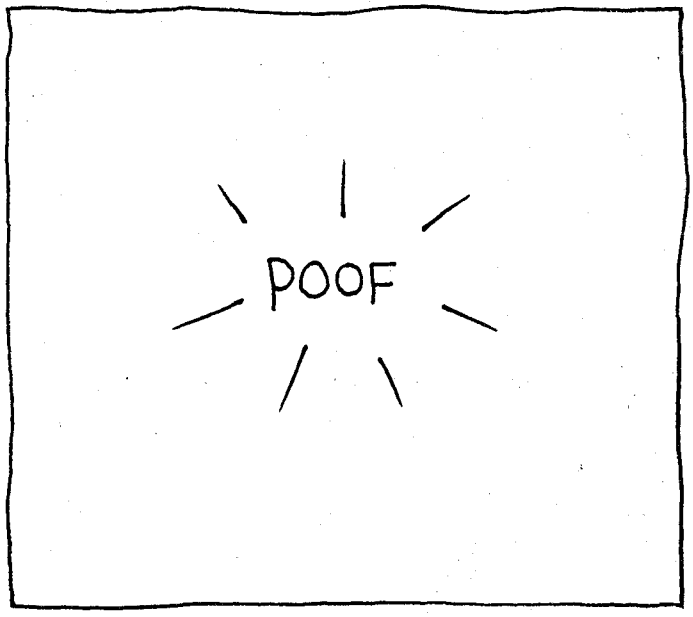
Second, after six months, no new claims can be filed against a company that has declared bankruptcy. This means Manville will escape the suits of the tens of thousands of people who will be discovering their asbestos-related illnesses in the years to come. The ingenuity of this escape deserves some explication. Usually only a tiny fraction of those who are injured by a product ever bring suit—in the cosmetics and machine-tool industries, for example, the figure is about 2 percent—because most people don't realize there is any connection between the product and their injury. It is only when there is a great deal of publicity about a particular hazard that these connections begin to get made and the number of suits rises dramatically.

(One case I am currently working on concerning urea formaldehyde insulation illustrates this phenomenon. In March 1979, before there was any significant publicity about the health hazards of this product, Borden, the largest formaldehyde-insulation manufacturer, said that only about 0.2 percent of its customers had complained. Although the company withdrew its product from the market at the end of 1978 and there have been no installations of it since, there has been a lot of publicity about the subject and the number of complaints has recently skyrocketed. In Massachusetts, where I practice law, the number of consumers bringing claims has multiplied more than thirty times since the state Board of Health brought attention to the issue.)

Third, by filing for bankruptcy Manville protects itself from the calamity it would confront if its insurance companies refused to make payments in successful suits. The insurance companies in the last few years have become increasingly difficult to deal with as they face the prospect of recurrent asbestos-case outlays. As chairman McKinney put it in a newspaper advertisement explaining the bankruptcy move: "The whole subject disgusts me. Now, when we need the coverage . . . the insurance companies are reneging. We sued them all in California in early 1980 to force repayment. . . . As much as anything else, the bad faith of the insurance companies has made it necessary for us to take this action."

But the "bad faith" of the insurers is not groundless. For one thing, there are disputes over which insurer is respon-





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sible for which claim, a matter which is not easily sorted out when there is continuous exposure to a toxic substance. More important—in fact crucial—the insurance companies had grounds for raising the question of whether Manville deliberately concealed its knowledge about the dangers of asbestos at the time it took out its insurance policies. If so, the insurers would be entirely relieved of their obligations to pay—just as they would be if a man bought insurance on his wife's life with the full intent of murdering her and then killed her to collect.

So the Manville Maneuver is obviously a masterstroke for a company with very serious problems on its hands—and more of them likely to come. What makes it even more brilliant is that it took advantage of a law that had already been found unconstitutional.

Last April 27 the Supreme Court heard oral argument about the constitutionality of the Bankruptcy Act of 1978 in the case of *Northern Pipeline Construction v. Marathon Pipe Line Co.*, with the main dispute centering on the legitimacy of the bankruptcy courts. Two months later the Court held by a 6-to-3 margin that Congress's delegation of broad powers to the bankruptcy courts violated Article III of the Constitution, since judges granted such authority should have lifetime appointments whereas bankruptcy judges serve only fourteen-year terms.

However—luckily for Manville—the Supreme Court ruled that its decision would not take effect until October 4: "This limited stay will afford Congress an opportunity to reconstitute the bankruptcy courts or to adopt other valid means of adjudication, without impairing the interim administration of the bankruptcy laws." And it was that little period of grace that Manville took advantage of, deliberately filing for bankruptcy under an invalid law, many years before there was any threat of its actually going under. That is why its action was so precipitous, taking the business world by surprise. The company was well aware that when Congress does get around to passing a new bankruptcy act, it is likely to close the loophole that permitted the Manville Maneuver and allows perfectly sound companies to avoid their legal responsibilities by trickery.

Manville's flight into bankruptcy as a result of legal pressure from the public draws attention to the role of the private tort system in this country. It is a distinctive feature of American law, enabling a consumer to sue a manufacturer for injuries from defective and unsafe products and, if successful, to receive financial compensation.

It was the success of the tort system around the turn of the century, when juries began to award damages to injured workers in ever-larger numbers, that led industrialists to denounce it as unfair and irrational and to call for a government-run no-fault system—which eventually was enacted as workers' compensation. Under workers' compensation, corporate liability is strictly limited and awards must follow a set statutory scale, with payments coming from a legally regulated kitty amounting to no more than about 2 percent of an employer's payroll. It is not without some benefits for injured workers, particularly since they do not have to prove negligence against their employers, but it is hardly any wonder that the Socialist Party and the Industrial Workers of the World at the time opposed it.

And it is hardly surprising that today the asbestos industry is denouncing the private tort system as loudly as its corporate forebears did: "This type of toxic tort litigation," chairman McKinney has declared, "is an intolerable gambling exercise for both plaintiff and defendant." The industry has begun an all-out campaign to expand workers' compensation to cover workplace-related illnesses like the ones caused by exposure to asbestos, and it is even pressuring the government to create a special compensation fund using public money to pay off future asbestos-related claims.

Democratic Representative George Miller, chairman of the Subcommittee on Labor Standards, has said of this move: "Such an action would open the Treasury's doors to every manufacturer of a dangerous product which, besieged with victims and liabilities of its own making, similarly seeks to 'socialize' losses with taxpayers' money."

Although the tort system had worked reasonably well in the asbestos cases brought prior to the Manville Maneuver, it is a crude and inadequate method in general for deterring private enterprise from reckless public behavior. Current law makes it very difficult for workers to win awards for illnesses that build up over a period of many years and may have a variety of environmental causes. And since corporations can usually get product-liability insurance, they have a buffer against workers' claims and therefore against public responsibility.

Certainly the tort system is not adequate to guard against the untoward effects of private industry's cavalier attitude toward the ecosphere and its human inhabitants. It would help, to be sure, if the law forbade product-liability insurance to cover damages in toxic-substances cases, as it did in the eighteenth century with regard to all tortious acts. But it would be even better to have a comprehensive set of controls that would operate before a product is marketed, as is now the case with prescription drugs. Best of all, of course, would be a full-scale social welfare system that would support individuals unable to work because of health problems and provide for their complete medical care.

And if such a system of social insurance—which would eliminate the present fantastic legal and administrative costs of product liability—is not politically feasible in America

COMING NEXT WEEK

STEPHEN F. COHEN

Professor of Political Science
at Princeton University

Begins a new monthly
column on Soviet Politics

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today because of an ethos of free enterprise, then let Manville be scavenged to pay off its debts. Better a market failure than tens of thousands of penurious asbestosis victims. □

THERE GOES NONPROLIFERATION

America, the New Nuclear Salesman

JOHN TIRMAN

For two years the Reagan Administration has steadily chipped away at the foundation of nuclear nonproliferation arduously built during the Ford and Carter years. The new plutonium policy announced this summer has attracted the most attention, but that is only the most visible of the Administration's actions attempting to re-establish the United States as the world's leading nuclear salesman.

The plutonium policy shift has become the focus of concern because it allows Japan and countries in Western Europe to reprocess U.S.-supplied uranium without U.S. approval. This is important since reprocessing—separating plutonium from nuclear "spent fuel"—is not only a method for re-using the element in nuclear reactors but also the best way to produce weapons-grade material. To slow the movement toward a worldwide "plutonium economy" and an uncontrolled nuclear arms race, Presidents Ford and Carter curbed foreign reprocessing of U.S. fuel; Reagan is loosening the reins.

But that's not all.

□ With the Administration's tacit consent, the American nuclear industry is exporting "sensitive" (i.e., bomb-related) technology and materials indirectly. Under the 1978 Nuclear Nonproliferation Act put through by President Carter, U.S. vendors cannot send such exports to countries that have not established the "full-scope" safeguards the treaty demands. But American firms sidestep this sanction by selling through foreign affiliates or subsidiaries. Examples: Combustion Engineering, through its Canadian subsidiary, has sold uranium fuel to Argentina; Westinghouse is planning to sell a large nuclear reactor to Pakistan through a Spanish or Belgian company (and previously sold reactors to South Africa); a Foxboro, Massachusetts, firm sold computers of a kind used for nuclear weapons production to Argentina through a Swiss firm; the industry has "brokered" nuclear fuels to South Africa and India.

□ The Administration has allowed—and at times encouraged—the U.S. Export-Import Bank to underwrite loans for nuclear exports. According to the Center for Development Policy, a private research group, "nuclear plants and fuel account for 19.5% of [the bank's] total exposure," or roughly $7 billion in subsidized loans. The bank's president and a U.S. trade representative met with nuclear vendors last winter, and the vendors reported that "the Administration is making a voluntary effort to identify the areas where government can be a practical and helpful partner in these very significant deals." One example of the Administration's effort was a White House push for a $855 million Ex-Im Bank loan to Taiwan to buy two reactors. Among the bank's other nuclear clients: South Korea ($2.4 billion), Brazil ($223 million), Israel ($600,000), the Philippines ($946 million) and Argentina ($13.5 million).

□ The Administration is encouraging the export of enrichment technology, which can be used to convert low-grade uranium into weapons-grade fuel. Early this year, the Department of Energy approved the sale of a new enrichment technique using lasers to West Germany and France, countries that have aggressively pursued nuclear technology. (The laser technology was developed in U.S. government laboratories at public expense, yet the export was kept secret, as so many such transactions are.) More recently, Presidential adviser Edwin Meese said he hopes to turn over the government's enrichment monopoly to private corporations, a move that would widen opportunities for nuclear-fuel trafficking.

□ Reagan's policies supporting the Clinch River breeder reactor, the revival of the domestic reprocessing industry and the use of fuel from commercial nuclear plants in weapons production all increase the likelihood that plutonium will be diverted into foreign hands. More important, critics argue, such policies signal America's lack of commitment to nonproliferation efforts by other nations. This was underscored when the United States walked out of the International Atomic Energy Agency's annual meeting last month.

The rationale usually offered by both the Administration and the nuclear industry is that the United States can be most effective in slowing proliferation if it is active in global nuclear commerce as a "reliable supplier" of hardware and materials. "We have to be part of the nuclear scene in R&D and as a reliable supplier," says Manning Muntzing, a prominent Washington, D.C., attorney and president of the American Nuclear Society. "If we bottle it up at the shores, we have entered a nuclear isolationism. The rest of the world won't listen to us. The best way to influence other nations is to be a good partner, and to be involved."

But the "reliable supplier" rationale may spring from nothing more than desperation. There have been no reactor sales in the United States since 1978; without exports, nuclear vendors have little business. And the nations that would be the best customers are often those without full-scope safeguards—Brazil, Argentina, Israel, South Africa, India, Pakistan—and therefore theoretically banned. Little wonder that the nuclear industry has worked so hard in its attempt to circumvent or scrap the nonproliferation treaty.

Another hope for the industry is to peddle inferior equip-

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ment abroad. Licensing rules for reactor exports do not require the government to determine the safety of a reactor; that assessment is left to the importing countries, many of which lack the expertise to make sound judgments. Even the minimal government standards for nuclear plants in this country are not applied to plants in other countries: a Westinghouse reactor being built in the Philippines, for example, fails to meet several U.S. safety requirements and is being built in a seismically unstable region.

The nuclear industry's problems are real. But its loud complaints since 1978 that the United States is losing its nuclear leadership—"That's like saying we've been bumped from the top of the heroin trade," as one nuclear specialist put it—seem finally to have fallen on sympathetic ears. Ronald Reagan appears willing to go to any lengths to allow the industry to evade the legal restrictions crafted by previous Administrations. As one House staff member summed it up: "The Administration just does not give a damn about nuclear proliferation." □

FOREIGN DEBT AS FOREIGN POLICY

Will the U.S. Bail Out the Bankers?

MARK HULBERT

"What we see ahead are treacherous economic seas and gale-force economic winds, strong enough to capsize even large and well-manned ships—unless sails are reefed early, and all hands are ready at their stations when the gale hits."
—David Rockefeller, 1979

The Iranian revolution sent powerful gusts across those economic seas where Rockefeller's Chase Manhattan was sailing. Almost overnight, Chase's relationship with Iran—which during the Shah's reign had been the envy of the world banking community—was transformed into a liability. Not only did the new Iranian government start withdrawing the billions in oil revenues that the Shah had regularly deposited in the bank, but several high officials began claiming that Iran had no obligation to repay the billions in loans that Chase had made to the Shah.

Despite these gale-force winds, however, Rockefeller's bank was able to stay afloat. Indeed, it did even better. By the time the American hostages were released, the bank had been paid—with interest—for virtually all of its loans to Iran. To what did Chase owe its good fortune?

As it turned out, very little of Chase's success in withstanding that crisis was due to its own efforts. Because Iran's deposits at Chase had very short-term maturities and its loans were predominantly long-term, the bank was defenseless as the post-Shah regime began withdrawing the deposits and diverting new oil revenues elsewhere. Instead, Chase's good fortune derived in large part from actions taken by the Federal government—first in freezing Iranian assets in the United States and then in permitting banks to seize those deposits to pay off their Iranian loans. Within a few hours of the freeze, Chase had wiped its Iranian loans off its books.

Why did the government give the banks such a free hand? Though intelligent people may disagree about what the government was really up to, the benefit to Chase and other overexposed American banks was clear and direct. The line between the foreign policy interests of the United States and the commercial interests of private banks was blurred to the point of nonexistence. The danger for the future is that, as banks assume a larger and larger role in the financing of foreign governments, such commercial interests will become identical with the country's official foreign policy interests.

For the fact is that, given the shaky nature of international finance these days, crises like the one brought about by the Iranian revolution are highly likely. Many Third World economies are near bankruptcy, and even under optimistic scenarios it is doubtful that the less developed countries (L.D.C.s) will ever be able to repay all of their debts. Yet Chase and other large banks have lent so much to the L.D.C.s (more than $400 billion) that they can ill afford to withstand many defaults. The financial winds the banks will thus face will be gale force indeed, and there is little indication they will be better prepared to withstand them on their own than Chase was in 1979.

The banking community finds itself in this predicament because it has lent to Third World nations at an unsustainable pace. Not only have banks lent at a faster pace than the economies and exports of the L.D.C.s have grown, but they have continued to lend even when the loans were used for current consumption rather than for the economic development that would eventually enable the countries to repay them. The L.D.C.s have thus been forced to borrow more and more just to meet repayment schedules of old loans. And the banks, dependent on those countries not to default, have been forced to continue lending. It is a debt trap from which both sides are finding it difficult to escape.

One of the best indicators of the hold of this trap is the portion of new debt that is devoted to servicing old debt. To the extent that the L.D.C.s use new loans to repay old ones, the credit is not spent on genuine economic development—meaning that the countries' economies will be in no better shape when the new loans come due. And because debt service requirements will continue to grow in the interim, the countries will become less able to repay old loans and more dependent on new loans. In 1976, for example, the proportion of medium- and long-term L.D.C. debt devoted to debt service was 61 percent ($30 billion of $49 billion). By 1985, according to World Bank projections, that will have

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climbed to 88 percent ($166 billion of $188 billion), despite an almost fourfold increase in private bank loans to L.D.C.s. And by 1990, despite another nearly 100 percent increase in loans, 95 percent of new lending will be devoted to debt service on old loans ($304 billion of $321 billion). It is highly doubtful that this trend can continue.

From what quarter can we expect change to come? It is unlikely that the L.D.C.s themselves will voluntarily reduce their borrowing, because in the absence of outright default on their loans, such reductions would force them to cut back on other expenditures—a politically unpopular (if not fatal) course of action. But it also is unlikely that the banks will voluntarily reduce their lending to a sustainable rate. They are too vulnerable to the threat of default in the event they force the L.D.C.s to borrow less.

The banks' vulnerability to the threat of default is sometimes obscured by a focus on the banks' *net* lending (loans minus deposits) to the L.D.C.s. And it is true that the Third World countries to which the banks have lent the most also have deposits at Western banks; the banks' net exposure in those countries is thus less than is suggested by the figures for total lending. But Chase's experience with postrevolutionary Iran shows that a low net exposure can quickly evaporate. More than any of the other large L.D.C. borrowers, Iran under the Shah had far more on deposit in the Western banking system than it had borrowed. Chase in particular had a large "negative exposure" in Iran. Yet that cushion provided little comfort when Iran began withdrawing its deposits from Chase.

The deposits of other L.D.C. borrowers are short-term—as Iran's were—just as their debts are long-term. Because a country most likely will have withdrawn its deposits by the time default becomes a real possibility, a bank's vulnerability is better measured by the total amount of its loans to a country than by its net exposure there.

How great is this vulnerability? The table on this page lists the L.D.C.s that have secured the most loans from U.S. banks. (Loans from all banks, not just from those in the United States, are of course even larger.) The totals are sobering. The $21.5 billion in outstanding loans to Mexico, for example, exceeds the combined equity capital of the eight largest U.S. banks; the $16.8 billion loaned to Brazil is greater than that of the five largest. A default by either country—which some analysts think possible—could send the banking system reeling.

Such high levels of bank lending to the Third World are a recent development. In 1971, well over half of the Third World's outstanding debt came from governmental sources, and of its credit from private sources, some two-thirds came from commodity suppliers rather than from banks. By the end of 1980, by contrast, loans from official sources had fallen to 37 percent of outstanding debt, while bank loans had skyrocketed to more than 60 percent of outstanding private credits. In fact, banks are now so exposed in the Third World that they inevitably are sucked into political crises there.

It is this new predominance of banks in the relations between the West and the Third World that presents particular pitfalls for U.S. foreign policy. On the one hand, because private bankers are virtual newcomers to the politics of collecting debts from other countries, they have pressured and will continue to pressure Washington to come to their assistance. Government officials, on the other hand, when faced with the prospect of a friendly nation going bankrupt, will find it tempting to view banks as instruments of foreign policy.

Lest there be any doubt about the differences between banking and genuine national interests, take the case of Poland. When labor riots spread across Poland in the summer of 1980, many observers worried that the Soviet Union might intervene militarily. But most bankers did not. One was quoted to the effect that banks would not necessarily be upset at a Soviet takeover because Poland's credit rating would then go up—since the Soviet Union was in a stronger economic position than Poland. And after the Soviet Union did apply pressure in December 1981, another banker commented, "Who knows which political system works? The only thing we care about is: can they pay their bills?"

The divergence of America's genuine interests from those of banks was also evident in the Iranian crisis, as the Chase example shows. Because they were used as instruments of U.S. policy toward Iran, the banks were in a strong position to protect their own interests. Indeed, by the time the crisis was over, it seemed that banking interests had been better served than those of the hostages.

The dangers of blurring the distinction between foreign

Debt of Major L.D.C. Borrowers to U.S. Banks December 1981

Country	*Total Debt Outstanding in Billions*
Argentina	$ 8.40
Brazil	16.82
Chile	5.82
Colombia	2.78
Ecuador	2.10
Egypt	1.18
Indonesia	2.39
Korea	8.89
Mexico	21.50
Poland	1.96
Peru	1.97
Taiwan	4.98
Venezuela	10.47
Yugoslavia	2.66

Source: Federal Financial Institutions Examination Council, *Country Exposure Lending Survey* (Federal Reserve Board, 1982).

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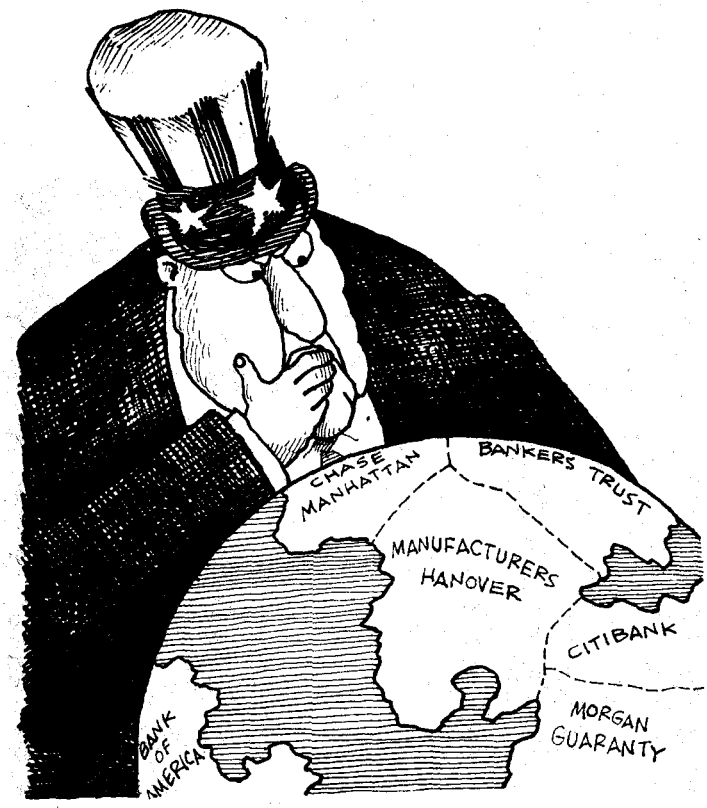
policy and banking interests has recently been seen in the U.S. government's attitude toward Poland's debt—in particular, its policy concerning the $800 million of U.S. credits to Poland that were guaranteed by the Commodity Credit Corporation of the Department of Agriculture. The C.C.C. agreed to repay the ten banks and two exporters that had lent the $800 million, even though certain of the prerequisites set by the guarantee programs had not been met. When the government was challenged in court, it argued that the payouts were required by U.S. foreign policy.

The programs under which the C.C.C. guaranteed the $800 million—the Noncommercial Risk Assurance Program and the Export Credit Guarantee Program—both require that the C.C.C. receive written notice of default from the insured before making any payments. Though Poland for some time had been in dire financial straits, unable to meet interest payments on the $26 billion debt owed to Western countries, it had not been declared in default (and still has not been to this day). Nevertheless, on January 29, the C.C.C. telexed an "offer" to the banks and exporters to assume the unpaid Polish obligations and reimburse them accordingly. All twelve eventually accepted the offer.

Why did the C.C.C. not abide by the regulations? In subsequent court action, the Federal government argued that, as part of its policy of applying maximum pressure on Poland to relax martial law, it had decided that American banks should avoid declaring that country in default. This, the government continued, was because the threat of default would be more powerful than default itself in influencing the Polish government. Indeed, the State Department concluded, "The handling of the Polish debt is a major element of the Western response to the Polish situation." Requiring the companies involved to abide by the regulations—and thereby requiring them to declare a default before being reimbursed by the C.C.C.—thus would have caused "substantial harm to . . . the public interest."



The government's argument is less than compelling, however, because it is difficult to see how the C.C.C.'s action significantly reduced the possibility that Poland might be declared in default. The $800 million guaranteed debt was only a small fraction of the $26 billion total of Poland's obligations, and the twelve insured companies—because they were fully insured—were the least likely to declare a default. They had every incentive to wait for an alternative solution that avoided such a declaration. The other lenders, however, who were most likely to declare a default in the first place, were unaffected by the C.C.C.'s decision. If anything, the payouts might have encouraged those lenders to declare a default, because they were an indication that the U.S. government had already given up on the $800 million.

Shaky though the foreign policy justification may have been for the C.C.C.'s action, there was no mistaking the benefit to the insured companies. Both guarantee programs require that a written notice of default be filed within a relatively short period of time—within thirty days in the case of one of the programs and within a "reasonable" amount of time in the case of the other. Because Poland went into technical default on its obligations in early 1981, this requirement might have prevented the C.C.C. from making any payments in 1982. Because the C.C.C. changed the rules, however, the insured companies no longer had to worry about losing their insurance.

If Third World economies continue to deteriorate and more governments default on their debts, as now seems inevitable, situations similar to those in Iran and Poland are likely to arise again. The banks will benefit enormously from U.S. intervention in the debt crises, but—as in the previous cases—the government will argue that the benefit was unintended, simply an unavoidable consequence of U.S. foreign policy.

The lesson of the first years of heavy U.S. involvement in Iran is pertinent here, even though it was the major oil companies that became the instruments of U.S. foreign policy. The State Department argued in the early 1950s that the oil companies ought to be immune from the antitrust statutes and thus free to work collectively to thwart Iran's nationalization bid and then to negotiate as a group for a new Iranian oil consortium. The justification was that those companies were an integral element of U.S. foreign policy in the region and that Iran's attempts to nationalize its oil fields posed a threat to U.S. national security. The clear benefit to those companies, the State Department argued, was just an unintended consequence of U.S. policy.

Those arguments, we now know, were fallacious—as unpersuasive as those put forward in 1979 with regard to the freeze of Iranian assets and as unconvincing as the arguments in 1982 with regard to the Polish debt. No doubt similar arguments will be made in the future when other L.D.C.s near default, and there is little reason to expect that they will be any more compelling then. □

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Supreme Court

(*Continued From Front Cover*)

taken by the Court there were rulings in favor of the defendant—and, as Linda Greenhouse noted in *The New York Times* recently, the Court usually reverses the criminal cases it accepts, last year more than 80 percent of the time. The search-and-seizure cases involve airport stops, the use of balloons as containers for drugs, tips from anonymous informers, street stops for questioning, baggage detentions, the use of beepers and customs inspections. Other criminal cases taken by the Court focus on capital punishment, double jeopardy, injunctions against police use of force, damages for actions against police, self-incrimination, guilty pleas, grand jury disclosure, prisoners' rights and sentencing.

So far, few discrimination cases have been accepted. The most important case takes up the challenge to Internal Revenue Service rules against tax exemptions for private schools that discriminate, with the Reagan Administration again opposed to the civil rights position. The Court will also consider the constitutionality of tuition tax credits for religious schools; the Administration is pushing such credits on the Federal level and the Court's decision will obviously influence that.

Of profound political importance will be the cases on the legislative veto. Although the most recent instances involve Congressional vetoes of Federal agency rules, there are more than 200 statutes now on the books that provide for legislative review of executive action. These range from the War Powers Act to laws providing for Congressional review of individual rulings by the Attorney General suspending deportation. Two lower courts have ruled that this veto is an unconstitutional encroachment on executive and judicial power as well as a violation of the requirement that all bills be presented to the President for signature. Constitutional experts are divided, however, and the outcome of the cases before the Court is uncertain. Resolution of this issue—which has no particular ideological thrust—will have a profound effect on relations between Congress and the President as well as on political compromises within Congress.

The 1981-82 term could have produced many critical setbacks, and it nearly did: the number of decisions on the liberal side that were decided by only 5-to-4 margins was unusually high. Most of the important cases, however, did come out the right way, albeit narrowly, and most of those that came out badly were not significant.

Civil Liberties

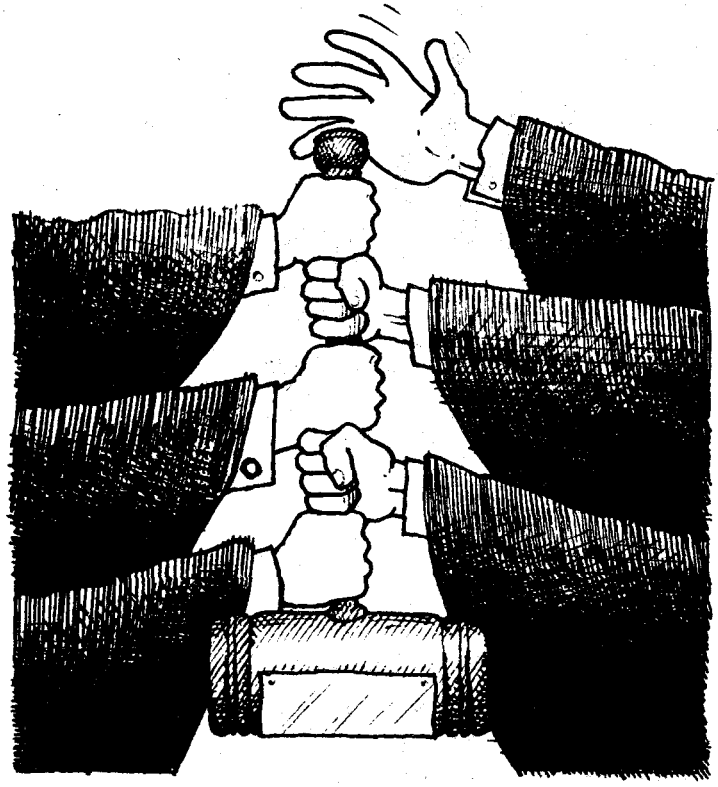
Two cases last term seriously threatened civil liberties, and in both the danger was either averted or deferred. In *NAACP v. Claiborne Hardware Co.*, a unanimous Court invoked the First Amendment to throw out a potentially huge judgment against the N.A.A.C.P. for a seven-year boycott of white-owned businesses in Claiborne County, Mississippi; had the judgment stood, the organization might have been financially crippled.

In *Board of Education, Island Trees Union Free School District v. Pico*, the Court confronted for the first time the issue of removing books from school libraries, a form of censorship the right wing is increasingly crusading for. The conservative school board of Island Trees, New York, had taken books by Kurt Vonnegut, Desmond Morris, Piri Thomas, Eldridge Cleaver, Langston Hughes and others from the school libraries on the grounds that they were "anti-American, anti-Christian, anti-Semitic, and just plain filthy."

The Court's decision—which produced eight opinions—settled very little but did avoid a disaster. Three Justices, in an opinion by Justice William Brennan, held that students have a First Amendment right to receive information and ideas; Justice Harry Blackmun found a slightly different First Amendment right. They voted to send the case back for a trial on why the books were removed, and they were joined in this by Justice Byron White, although he refused to say anything about the First Amendment.

The four dissenters on that point came close to allowing school officials "absolute discretion" over what may be in a school library, though two joined Justice William Rehnquist's dissent, in which he "cheerfully conceded" that the First Amendment would be violated "if a Democratic school board, motivated by party affiliation, ordered the removal of all books written by or in favor of Republicans . . . [or] an all-white school board, motivated by racial animus, decided to remove all books by blacks or advocating racial equality and integration."

The *Island Trees* decision has been hailed as a victory for civil liberties, but that is not clear. Four Justices will not



Herman Schwartz, a contributing editor of The Nation, *is a professor of law at American University in Washington, D.C.*

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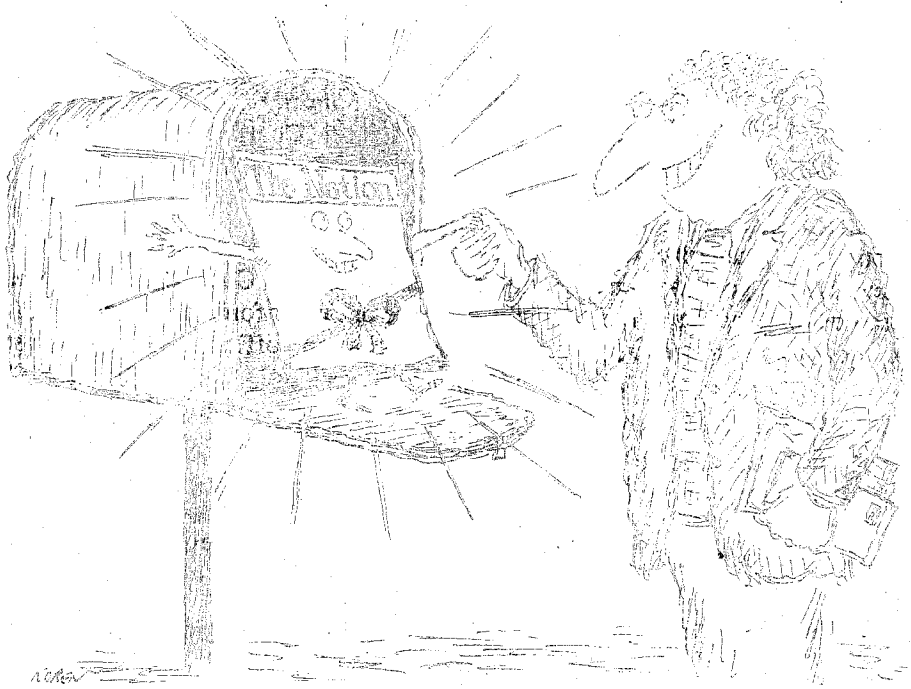

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tortably shift[illegible] initiative taking away Seattle's authority to adopt a school busing plan voluntarily. The decision should have been an easy one under some longstanding precedents, especially since a contrary result might have doomed future efforts at voluntary desegregation (rare as they may be)—antibusing forces are usually powerful enough to get bans adopted on the state level. This case was one of several in which the Court was unpersuaded by a Justice Department switch against the civil rights position.

In other actions, the Court sanctioned the use of blacks (though not whites) to test for housing discrimination. It condemned discriminatory employment tests even when the employer's overall hiring or promotion record was acceptable; here too the Court rebuffed the Justice Department, which had supported the employer. The Justices also extended the law against sex discrimination in Federally funded educational programs and struck down a ban at a Mississippi nursing school against the admission of males. The Court condemned discrimination in fees against college students who are aliens and unanimously established a right to "minimally adequate or reasonable training" for the institutionalized retarded "to ensure safety and freedom from undue restraint." The Court also ruled for the plaintiffs in two Voting Rights Act cases, both of which found O'Connor disagreeing with Rehnquist—with whom she usually sided—and in one of which she provided the majority vote.

There were of course some real setbacks. The 1975 Education for All Handicapped Children Act was construed as entitling a deaf first grader only to some personalized special instruction but not to a sign-language interpreter. The decision establishing something of a right to treatment for the institutionalized retarded also made it almost impossible to collect damages from the people who run the institutions. The Court again denied aliens a right to jobs in police or law enforcement work, this time in a case involving probation officers. Suits against employment discrimination were made more difficult. The Court held overwhelmingly (8 to 1) that California voters could deny their courts the power to go beyond the Federal Constitution in remedying school segregation, a decision that constitutional experts find hard to square with the *Seattle* decision, but which most observers expected. Three efforts by the government to restrict access under the Freedom of Information Act were upheld.

The Court split on seven cases interpreting Section 1983 of the Civil Rights Act. Two decisions will make it hard to force state-supported "private" institutions to obey the Constitution, but in the most important of the seven the Justices solidly reaffirmed the right to go directly to Federal court to redress a violation of constitutional rights without first having to exhaust state administrative procedures. A contrary result has long been sought by state officials, would have been preferred by at least two of the concurring Justices and would have significantly weakened Section 1983.

Business

The big surprise came in the cases concerning economic regulation. Last term the Court heard eight antitrust cases and three cases involving lawyer advertising, utility regulation and suits by private individuals under the law that regulates trading in commodity futures. Except for a 4-to-4 tie in a case involving F.T.C. power over nonprofit medical associations—which resulted in upholding that power—the Court ruled for the consumer interest in every case, almost always by a solid majority. Although the antitrust cases were not typical, some of the Court's decisions reaffirmed basic antitrust principles condemning price-fixing that are currently under fire from the Reagan Administration.

In other business cases, the Court unanimously struck down Missouri restrictions on lawyer advertising as a violation of the First Amendment; narrowly (5 to 4) upheld Congress's right to make state utility commissions consider rate structures that are fairer or more efficient; and, in an astonishing reversal of a seven-year trend, allowed a private securities holder to sue for fraud under the Commodity Futures Trading Commission Act of 1974 even though Congress had not expressly authorized such suits. That was another 5-to-4 decision, and whether or not it is an augury may become clear this term, when a similar case will be heard.

These decisions are especially surprising given that six of the nine Justices were appointed as conservatives by Nixon,

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Ford and Reagan and are generally thought to favor business. Whether the uniformity in these rulings is anything more than fortuitous will be tested this term, when at least five antitrust cases will be heard.

Criminal Law

The truly bad news came—predictably—in the area of criminal law, though even there things could have been worse and almost certainly will be in the coming year. In fifteen significant criminal law cases decided in the 1981-82 session, the Court ruled for the prosecution in eleven, in all but one by 6-to-3 margins or more; the four cases for defendants were decided by 5-to-4 votes. In criminal procedure cases, the Court's record is even more one-sided, with rulings for the prosecution in ten out of twelve.

The only comfort is that not many fundamental issues were decided. An O'Connor opinion narrowly limited the Federal courts' *habeas corpus* power to review state court rulings on constitutional issues, but this is largely a formality anyway: few Federal courts reverse state courts, and those that do are often themselves quickly reversed by the Supreme Court. The symbolism is obviously not unimportant. A legal system should always be available to rectify errors of constitutional magnitude, and the arguments that prisoners' *habeas corpus* petitions somehow impede rehabilitation or create instability do not hold water. The real reason for the opposition to *habeas corpus* is a combination of hostility to expanding the rights of criminal defendants, reluctance to oversee state courts and annoyance at having to review a great many prisoner petitions, almost none of which succeed. This decision, however, will keep very few prisoners in jail longer than they would otherwise be kept.

The Court also settled the confusion it has created about searches of containers in cars by allowing police officers to examine practically everything in a car that is being searched lawfully. In a particularly egregious decision, it reaffirmed (without even hearing argument) that it would not interfere with barbarous state sentencing practices, sharply chastising the rather conservative Court of Appeals for the Fourth Circuit for annulling a Virginia sentence that sent a marijuana seller to prison for forty years. In a case from New York, a majority of the Justices saw nothing wrong in allowing a jury conviction to stand even though it came out after the trial that one of the jurors had applied to the prosecutor's office for a job during the trial and the prosecutor had kept this a secret. And the Court again refused to impose any meaningful restraints on prosecutors who manipulate the charging process in order to force guilty pleas.

In cases involving capital punishment, the picture was very different. By 5-to-4 majorities in two cases, the Court continued to refine and limit the conditions under which the death penalty may be imposed. In one of them, the Court—with O'Connor making the majority—ruled that an Oklahoma court had wrongly refused to consider a 16-year-old's history of family violence and neglect before imposing the death penalty, though it avoided deciding whether a child could be executed. In the other, the Court barred the death penalty for felons who participate in a robbery during which someone is killed but neither do the killing themselves nor intend that lethal force be used (the defendant was the getaway driver and was some 200 feet from the robbery). What is shocking is that this case could have gotten so far and that the majority was so narrow. The felony-murder doctrine—under which a felon is guilty of murder if someone dies during the crime even if the death is wholly accidental and unforeseeable—is one of the most criticized concepts of American criminal law. England has abandoned it, other European countries never had it, and the American Law Institute—hardly a liberal outpost—has proposed its abolition.

One of the most interesting aspects of Supreme Court-watching is assessing new Justices and trying to predict how they will line up in the Court's internal battles. In her first year, O'Connor aligned herself with Rehnquist and Chief Justice Warren Burger on most issues, often with tough, sharply worded opinions that lectured her colleagues, somewhat surprising for a new Justice.

A Justice's first term is obviously no basis on which to extrapolate long-term trends—Blackmun's currently quite liberal voting record is strong proof of that. But O'Connor may be a bit more predictable. She comes to the Court with an express commitment to states' rights and state courts and that commitment is reinforced by an almost total lack of experience in national or Federal matters and a strong conservatism.

But that may be only part of the story. In at least seven cases last term, O'Connor not only broke with Rehnquist but in doing so either made or solidified a majority: the Oklahoma capital punishment case, two sex-discrimination cases, the two voting rights cases, the alien student case and an Alaska case involving the state's mineral-royalty distribution. She wrote for the Court in two of these and concurred separately in several others, including a powerful concurrence in the Alaska case, in which she tried to revive the almost dead "privileges and immunities" clause of the Constitution by locating a right to travel in that provision. In an opinion on behalf of illegitimate children trying to establish paternity, she went far beyond a Rehnquist opinion for the Court. These few straws—which, except for the two sex-discrimination cases, fall into almost no pattern—raise the possibility that she may not turn out as inflexibly hostile to constitutional rights as Rehnquist.

The Supreme Court in its last term was certainly not the Warren Court of the mid-1960s. But with important exceptions, and despite both the arrival of Sandra O'Connor and efforts by the Reagan Justice Department to push it far to the right, the Court was not the graveyard for liberty that many of us feared.

But it yet may be: the fact that so many decisions upholding constitutional rights last term had only 5-to-4 majorities suggests that if Reagan gets one more Supreme Court appointment to replace a liberal or swing vote, the Court might indeed shift from being a protector of freedom to being part of the threat. □

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BOOKS & THE ARTS.

John Logan Wins Marshall Prize

The Lenore Marshall Poetry Prize of $5,000, awarded annually for the outstanding book of poems published in the United States, is sponsored by The New Hope Foundation. Administered in the past by Saturday Review, *it will now be sponsored jointly by* The Nation *and The New Hope Foundation and will be known as the Lenore Marshall/Nation Poetry Prize. Previous winners have been Sterling A. Brown (1980), Stanley Kunitz (1979), Hayden Carruth (1978), Allen Tate (1977), Philip Levine (1976), Denise Levertov (1975) and Cid Corman (1974).*

This year the prize has been awarded to John Logan for his two books, Only the Dreamer Can Change the Dream: Selected Poems *(The Ecco Press) and* The Bridge of Change: Poems 1974-80 *(BOA Editions). The judges were Carolyn Kizer, Paul Zweig and William Jay Smith, who has contributed the accompanying essay.*

Going over the hundreds of volumes of poetry published in 1981, Carolyn Kizer, Paul Zweig and I were struck by their great similarity. Most of the poets seemed to spare the reader nothing in detailing the dailiness of their lives, with results that are predictably dreary. Fortunately, there were a good number who had something more to offer.

With so many poets limiting themselves to petty personal concerns, we were pleased to find a few willing to risk everything on a larger subject. Daniel Hoffman has produced, in *Brotherly Love* (Random House), a triumph of scholarship that is also a work of art. *Brotherly Love* tells of William Penn's settlement of Pennsylvania, of his friendly association with the Lenape Indians, of his vision of America and the ultimate failure of that vision. The poem, which seeks through an exploration of Penn's experience to give meaning to the American past, is a memorable achievement at a time when long poems on any subject are rarely attempted. Carolyn Forché has lived for two years in El Salvador as a journalist, and the opening section of her book *The Country Between Us* (Harper & Row) treats the ongoing political struggle there. With explicit detail, she brings us close to its attendant suffering, and the result is frequently powerful and persuasive. But the subject of her poems, the unspeakable horror of the war she has witnessed, carries at times more force than her presentation of it. Is there, one wonders, a bit of radical chic involved here, of the poet's striving to be in the right place at the right time for the most dramatic effect? In a personal poem looking back on adolescence, a friend, dreaming of a satin bed and bottles of scent, teaches the author how to date servicemen and ends up living in a trailer on the edge of the factory town where they both grew up. "If you read this poem," the poet concludes, addressing her friend with a note of coy condescension that is not absent elsewhere in the volume, "write to me./I have been to Paris since we parted."

Paris is certainly where several of the other poets have been. John Ashbery spent ten years in France, where he wrote art criticism for the *International Herald Tribune*, and it is perhaps his total absorption of French Surrealism that makes for the verbal excitement of much of his poetry. In *Shadow Train* (Viking), he has collected fifty poems of sixteen lines each. In the title poem, speaking of the necessity of seeing "truth inside meaning," the poet says that it is clear that "history merely stretches into one's private guignol." Ashbery's poems are perhaps too much a private guignol for everyone's taste, but their verbal play and paradox are never without interest. On the jacket of *The Red Coal* (Houghton Mifflin) by Gerald Stern is a photograph of Stern and Jack Gilbert in Paris in 1950. A freewheeling humor and a refreshing exuberance reminiscent of Prévert or Tzara mark his best poems. Philip Lamantia has been associated more with San Francisco than with Paris, but his real roots are in French Surrealism. In *Becoming Visible* (City Lights Books), his extravagant imagination and black humor result in a bizarre but engaging verbal display.

Not least among the other volumes that held our attention was *Waiting for My Life* by Linda Pastan (Norton). "Out of the screams and shouts of women demanding liberation," Mona Van Duyn has said, "rises the clear, true voice of Linda Pastan, who seemingly through love and intelligence and a sure sense of her craft, has been liberated all along." Pastan's sense of liberation and of craft allow her to write poems on ordinary events that have nothing ordinary about them but a resonance that remains long after the reader has put them aside. In *Poems Old and New, 1918-1978* (Swallow/Ohio University Press), Janet Lewis has assembled a poetic selection of sixty years, during which time she also produced some of the best short novels in English. The American Indian consciousness and the intimate relationship to the natural world that it implies concerned her early and late in her career, as have the eternal themes of time, birth and death, which she treats in a spare style shaped by a multifaceted intelligence. Reg Saner, whose second volume, *So This is the Map* (Random House), was selected for the National Poetry Series by Derek Walcott, lives in Colorado. Like Janet Lewis, he writes forcefully of a landscape where man and nature are closely linked, although, as he says, much there "has happened without us." Among the many uneven, and often inchoate, first books, *For the Sleepwalkers* by Edward Hirsch (Knopf) makes a strong, unified impression.

We turned in the end to three books, two by the same poet, that stood out far above all the others. Josephine Jacobsen in *The Chinese Insomniacs* (University of Pennsylvania Press) reminds us that real elegance can also have enduring strength. Like the work of the Chinese poets whom she evokes and emulates, her quietly articulated observations have the dark resonance of great art. With her careful attention to texture and her wide range of form and subject matter, Jacobsen is clearly one of the finest poets now writing in America. And *The Chinese Insomniacs* is that rare thing in any year, a real gem of a book from beginning to end.

The two volumes by John Logan, *Only the Dreamer Can Change the Dream: Selected Poems* and *The Bridge of Change: Poems 1974-1980*, lack the clarity, precision and perfected edges of the one by Jacobsen; his poems are by comparison rough and ragged. But while

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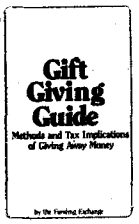

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Jacobsen's book presents the poetry of only the past several years, the two volumes by John Logan give us the work of thirty years or more. And because the best of it is of such power and intensity, we decided that the Lenore Marshall Poetry Prize should be his.

Logan's first book, *Cycle for Mother Cabrini* (1955), introduced a poet whose intense religious feeling was set forth in poems that reflected the kind of classical education encountered at the time only in Robert Lowell. In the four books that followed, the poet's struggle between flesh and spirit became more pronounced and more personal. Long before confessional poetry became popular, Logan was writing poems of personal revelation. And yet when we read through his poetry, we end up knowing little about what has happened to the poet in a superficial sense but a great deal about what has happened to him spiritually. As an epigraph to this selection, Logan quotes Rilke: "All that the rest forget in order to make their life possible, we are always bent on discovering, on magnifying even . . . it is not for us to consider ourselves the tamers of our internal lions. But suddenly we feel ourselves walking beside them, as in a Triumph, without being able to remember the exact moment when this inconceivable reconciliation took place (bridge barely curved that connects the terrible with the tender. . .)." All Logan's work delineates that curve between the terrible and the tender. It is there in "Lines on his Birthday," where his birth on the Street of Joy is accompanied by the death of his mother and again in the final terrifying, and yet tender, lines of "Believe It." Logan's spiritual struggle is less clearly defined in some of his more recent rambling Whitmanesque elegies, but even here, when dullness is about to take over, he reminds us in a passage of great strength that the monsters are still there, untamed, but walking beside the poet in spiritual triumph.

WILLIAM JAY SMITH

BELIEVE IT

There is a two-headed goat, a four-winged chicken
and a sad lamb with seven legs
whose complicated little life was spent in Hopland,
California. I saw the man with doubled eyes
who seemed to watch in me my doubts about my spirit.
Will it snag upon this aging flesh?

There is a strawberry that grew
out of a carrot plant, a blade
of grass that lanced through a thick rock,
a cornstalk nineteen-feet-two-inches tall grown by George
Osborne of Silome, Arkansas.
There is something grotesque growing in me I cannot tell.

It has been waxing, burgeoning, for a long time.
It weighs me down like the chains of the man of Lahore
who began collecting links on his naked body
until he crawled around the town carrying the last
thirteen years of his life six-hundred-seventy pounds.
Each link or each lump in me is an offense against love.

I want my own lit candle lamp buried in my skull
like the Lighthouse Man of Chungking,
who could lead the travelers home.
Well, I am still a traveler and I don't know where
I live. If my home is here, inside my breast,
light it up! And I will invite you in as my first guest.

for Tina Logan
After visiting the Believe It or Not Museum
with her in San Francisco
—1980

From *The Bridge of Change: Poems 1974-1980* (BOA Editions), copyright ©1981 by John Logan.

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LINES ON HIS BIRTHDAY

I was born on a street named Joy
of which I remember nothing,
but since I was a boy
I've looked for its lost turning.
Still I seem to hear my mother's cry
echo in the street of joy.
She was sick as Ruth for home
when I was born. My birth
took away my father's wife
and left me half
my life. Christ will my remorse
be less when my father's dead?
Or more. As Lincoln's minister of war
kept the body of his infant boy
in a silver coffin on his desk,
so I keep
in a small heirloom box of teak
the picture of my living father.
Or perhaps it is an image of myself
dead in this box she held?
I know her milk like ivory blood
still runs in my thick veins
and leaves in me an almost
lickerish taste for ghosts:
my mother's wan face,
full brown hair, the mammoth breast
death cuts off at the bone—
to which she draws her bow
again, brazen Amazon,
and aiming deadly as a saint
shoots her barb
of guilt into my game heart.

ONLY THE DREAMER CAN CHANGE THE DREAM

Riding on his bike
in the fall
or spring Fel-
lini-like twilight
or dawn, the boy
is moved in some way
he does not understand.
A huge gray or green, long porched house
(he's partly color-blind)
crowns a low hill: rise-
s silent as a ship does
before him.
The vision makes him yearn
inside himself. It makes him mourn.
So he cries
as he rides
about the town.
He knows there are other great homes
and other beautiful streets
nearby. But they are not his.
He turns back.
He gets off his bike
and picks
up three fragments of unfinished pine
adrift on the green
(or gray) lawn
thinking—hoping—that perhaps
there is something some place he can fix.

THE SEARCH

But for whom do I look?
The whole long night you will see me walk
or maybe during the day
watch me pass by.
But I do not wander—
it is a search. For I stop here,
or here, wherever people gather.
Depot, restaurant, bar.
But whom do I seek?
You will see me coming back
perhaps at dawn. Sometimes
the faces seem like tombs.
I have tried to read the names
so long my eyes darken in their graves
of bone. (The bodies of our eyes
lie side by side
and do not touch.)
But for whom do I look? My search
is not for wife, daughter or for son
for time to time
it has taken me from them.
Or has wrenched me from my friend:
I will abruptly leave him,
and I do not go home.
For whom do I seek? Out of what fear?
It is not for queers,
for my search leads me from their bars.
It is not for whores,
since I reject their wares,
or another time may not.
Then for whom do I look?
When I was young I thought
I wanted (yearned for) older age.
Now I think I hunt with so much rage
that I will risk or lose
family or friends for the ghost of my youth.
Thus I do not know for what I look.
Father? Mother?
The father who will be the mother?
Sister who will be the brother?
Often I hunt in the families of others—
until hope scatters.
I will call up friend or student at night
or I will fly
to see them—will bask and heal in the warm
places of their homes.
And I must not be alone
no matter what needs be done,
for then my search is ended.
So now the panicked thumbs of my poem pick
through the grill. They poke
the lock
and put out a hand and then an arm.
The limbs of my poems
come within your reach.
Perhaps it is you whom I seek.

From *Only the Dreamer Can Change the Dream* (The Ecco Press). © 1981 by John Logan.

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Planet of Apes + 1

ANNA SHAPIRO

GOD'S GRACE. *By Bernard Malamud. Farrar, Straus and Giroux. 223 pp. $13.50.*

One of the funniest slush-pile manuscripts I've ever read was an epic set in Egypt just after the crucifixion of Jesus. What made it so hilarious (unintentionally, of course) was that the Jewish characters all spoke with the unmistakable prepositional inversions and verbal shrugs of American Jews from Eastern Europe—in short, with Yiddish accents. Bernard Malamud, with knowing charm, employs a similar comic device, only the time is not 5 or 15 A.D. but more like the day after tomorrow, if not sooner. The Day of Devastation has come, the bombs have dropped and destroyed us all. All, that is, except for one solitary human who is—what else?—a Jew; and even God, as if he'd made his way out of some ghetto, taken steerage and put a pack on his back, speaks with a definite Yiddish inflection. "Miracles," he advises his forlorn *landsman*, "go only so far." *Nu?*

But the lone Jew, Calvin Cohn (I, for one, could not read this name without thinking of the blue jeans Brooke Shields's tush has made famous) turns out not to be entirely alone. A paleontologist literally submerged in his work (he was underwater in a diving bell when the bombs, and the ensuing flood, hit), Cohn returns to his arklet, the *Rebekeh Q* (even the ship is Jewish) to discover, after some days, an amiable, bright young chimp. Cohn dubs him Buz, after "one of the descendants of Nahor, the brother of Abraham the Patriarch." He sees a rainbow: "Although a wedge-shaped section of its arch seemed broken off, as though a triangular mouth had taken a colorful bite, Cohn wept yet rejoiced. It seemed a good sign and he needed one."

The ambiguous sign proves a portent of equally ambiguous events. Though at first it would seem, from his choice of name for Buz, that he sees himself as the new patriarch and the chimp as a kind of brother, Cohn quickly comes to reserve such privileged status to himself.

Anna Shapiro's reviews have appeared in Saturday Review *and* The Soho News.

But it's hard to be a patriarch when all you can breed is conversation. Yes, conversation. In what proves to be the most exciting portion of the book, Cohn uncovers Buz's ability to speak. Around the chimp's neck is a "fetid, decomposing neck cloth" which Cohn stealthily clips off while Buz sleeps:

> As he tickled Buz under the arms, he lifted the hilarious ape into a chair, and deftly twisted together the two exposed copper wires on his neck. There was a momentary crackling as the chimp, grinning sickly, stared at Cohn, and Cohn, smiling sheepishly, observed him. After a rasping cough, followed by a metallic gasp that startled him, Buz spoke as though reciting a miracle.
>
> "Fontostisch / / / I con hear myzelv speag / / / pong-pong."

(When Buz says, "I con talg / / / pong-pong," could Malamud have been thinking of all those teary biographies little girls used to read, about Helen Keller or the cerebral palsy victim Karen Killilea whose story ended, "Oh Mom-pom, I can talk, I can walk, I can do *anything*"?) Buz explains to his "Dod," as he calls Cohn, that Dr. Bünder, the scientist who brought him on board, implanted in him "on artifiziol lorynch"—cutting his throat as Abraham is said by Buz to have cut Isaac's. But, Buz goes on,

> "If he hod waited another weeg or two I would hov done it myzelf / / /"
>
> "How—without a proper larynx?"
>
> "Because onimals con talg. . . . If you con communicade with one living onimal / / / you can communicade with all his relations. . . . It is pozzible if you will odmid the pozzibility."

Cohn, in the face of irrefutable evidence, happily admits the possibility, and becomes the Dr. Doolittle of Cohn's Island. For they come to land, which he hubristically names for himself, and there, though even insects have been wiped out—there's "no buzzing except Buz"—they eventually meet up with the makings of a primate society, or several societies: a solitary, mournful gorilla, a band of chimps and finally, disastrously, baboons.

From *Robinson Crusoe* to *Lord of the Flies*, writers have made the castaway a lab rat of ingenuity and morality. Crusoe-like, Cohn outfits a cave, using supplies from the ship: lumber, a wind-up phonograph with records of his father the cantor singing Kol Nidre and Kaddish, rice that he plants in paddies and tins of sardines and tuna fish, although "Cohn felt he was violating an ethic if he ate them. He had pledged himself never to ingest what had once been a living creature." He even builds a summer house. "Survive," says Cohn, "is what we have to do. . . . My father said survival was one way we shared God's purpose." With abundant fruit and a mild climate, and even despite a bout of radiation sickness, survival wouldn't seem to be a problem. But it is: Cohn's Island is rife with strife.

Buz will not tolerate George, the gorilla: "He's a fot, stupid pig, and besides thot, he stinks." Then there's the problem of Mary Madelyn, the only female. They all want her, but Esau, self-proclaimed "Alpha Ape," thinks he deserves her: "My purpose in my life right at this particular time is to slip it to Mary Madelyn as soon as she learns the facts of life. She doesn't know what she is missing." When Mary Madelyn goes into heat, all hell breaks loose; while the chimps chase her from tree to tree, she is keeping herself pure—for Cohn. "It says in Leviticus," he tells her, "Thou shalt not let thy cattle gender with a diverse kind—"

"I am not a cattle," she replies. "I wov you."

But the worst conflicts of all, perhaps, are Cohn's arguments with Buz, a whole Oedipal constellation. Buz may call Cohn "Dod," but he isn't too keen on being anyone's son except for that of God Himself. "Jesus of Nozoroth" he can relate to; Jesus "preached to the chimponzees." Cohn's response: "Buz had just got close to a metaphor. . . . The chimps as Christians." The island may be a kind of Eden, but even Cohn, the very model of the earnest liberal, sees that as long as "one of them was a Christian and the other a Jew, Cohn's Island could never be Paradise."

The premise seems to be not only that Jews are better than other people but that they *are* people: to be human is to be Jewish. While Cohn's two favorite apes sometimes aspire toward humanity—"Wiw I someday be human?" Mary Madelyn wistfully asks—Buz remarks, when his Dod tells him "to be human was to be responsive to and protective of life and civilization," that "he would rather be a chimp." With cant like Cohn's, one can hardly blame him. As Buz and

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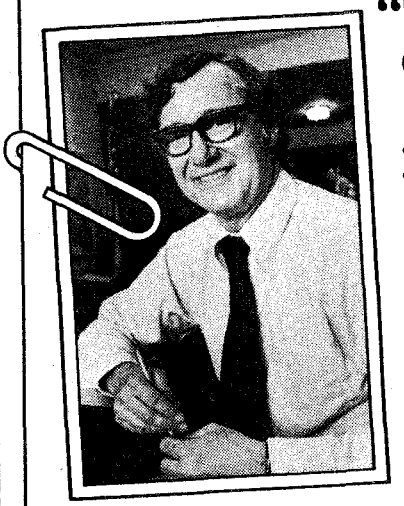
Malamud both know, humans, even Jewish humans, are prone to self-deception and hypocrisy: when Cohn considers speeding up evolution by breeding with the lovesick lady chimp, it is obviously his animal nature far more than higher things that motivates him. In any case, his resistance to poor Mary Madelyn is less to bestiality than to miscegenation—he's like the Jewish hero of *The Fixer* worrying about *shtupping* the *shiksa*, during her period yet.

I say miscegenation because Malamud's talking chimpanzees are no more animals than, well, Christians are. But they still have animal traits. They are very interested, for example, in eating "what had once been a living creature," and not just out of cans. In the end, the ruckus caused by everybody's appetites—for meat, sex, spirituality, survival, power—creates a story more akin to *Lord of the Flies* than to *Crusoe*.

Like Golding and unlike Defoe, Malamud uses his laboratory island to ask whether man is essentially good or essentially evil. At least since Rousseau, there has been a romantic assumption that without the polluting influence of civilization, man's natural goodness would emerge. Golding gives us the flip side: take away the restraints of organized society, and man—or, at any rate, boy—is pretty rotten. In making God a kind of cosmic Hitler who wipes out all humanity in the ultimate Holocaust, it is hard to say where Malamud stands—but the picture looks grim.

At least it looks grim for Cohn; the Christians/chimps will survive. By this, does Malamud mean that it is our animal natures that ultimately triumph? If there is a Christian Anti-Defamation League, I think they've got a good case here. On the other hand, maybe Malamud is just out to have fun with symbols and allegories and, especially, words. He rings lots of changes on names, for instance. The Teutonic Dr. Bünder had placed Buz in the bund of the master race by naming him Gottlob, "God-praise." Cohn, whose last name links him with the Jewish priesthood of the Old Testament, chose for himself a first name that links him with the austere theologian of predestined damnation and salvation—his original name was Seymour. Malamud makes the connection between words and The Word explicit. "Cohn remembered: God was Torah. He was made of words." Words make stories, and "if you tell stories



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you can say what God's doing." That's Cohn's belief, but given the many ambiguities of *God's Grace*, I wonder if it's Malamud's.

The novel offers many joys. There is brilliant linguistic inventiveness, displayed not only in the apes' speech but in a style that suavely combines colloquialism with Biblical stateliness. There are ironic juxtapositions—the primitive with the ultrascientific, the origin of human life with its end. And of course, there's the awesome baggage of weighty questions. And yet, for all that, *God's Grace* is strangely light and unaffecting, like a cross of three genres of *New Yorker* cartoon: the castaway, the caveman and the prosaic commuter-turned-angel who stands on a cloud in Heaven making irreverent comments. Perhaps Malamud is alluding to the limitations of his own vision when he writes of the "Author of the universe. . . . He liked beginnings and endings. . . . At first He liked the juicy parts where people were torn between good and evil; but later the stories may have let Him down: how often, without seeming to try, the evil triumphed. It wasn't an effect; it was an embarrassing condition: His insufficient creation." □

Connecting Literature and Life

NORMA KLEIN

BECOMING A HEROINE: Reading About Women in Novels. *By Rachel M. Brownstein. The Viking Press. 332 pp. $17.95.*

Becoming a Heroine is a marvelous book. Like Elaine Showalter's *A Literature of Their Own* and Patricia Meyer Spack's *The Female Imagination*, it represents the best of contemporary feminist literary criticism: it's relaxed, lively, perceptive and illuminating. Need one add that by "feminist" one only means that it takes the concerns of women seriously? For it is hard to imagine a sensitive reader of either sex who would not find Brownstein's book a treasure.

What makes the book so unusual and so provocative is that it aims to connect literature with life by showing how women readers were influenced by certain important English novels of the past: *Villette, The Egoist, Daniel Deronda, Portrait of a Lady* and *Mrs. Dalloway*, among others. All these books, whether written by men or by women, have at their center a heroine whose life is circumscribed by society's image of what an ideal woman—an exemplar, as Brownstein calls her—should be. The action of the book is predetermined: the heroine will "either get virtue's earthly reward, a rich husband, or be seduced and die of it." The fierceness with which these heroines defend their chastity is practical. It is their only trump card in a game where freedom and happiness are seen as attainable only through the approval and love of "a good man."

Brownstein contends that novelists like Richardson and Charlotte Brontë, by portraying the struggle of their heroines with compassion and psychological insight, vindicated the actual lives of women. "To want to become a heroine," she states, "liberates a woman from feeling a victim." The heroine's fate is limited by the fact that it is only by linking hers to a man's that she "defines her singularity." But by her choice of a husband she "controls her life, shapes her self, makes her happiness." She is able to achieve intimacy and identity together, to "be herself and yet be complementary to a man."

One might question some of the notions that form the foundation of Brownstein's thesis without denying the power and originality of much that she says. "Enjoined from becoming generals and emperors," she writes, girls "tend to live more in novels than boys do." Why the present tense? Surely today, the sort of girl Brownstein has in mind—the sort of girl who reads the books discussed here—no longer sees her options as limited to marriage. Most of the teen-age girls I know are as hopeful of becoming generals and emperors—or, at any rate, doctors and lawyers and writers—as are their brothers. Life may prove them overly ambitious, of course, but that's another matter. From the point of view of the young woman reader, a great deal of heroine-centered fiction at least *seems* to be lagging behind real life.

One of Brownstein's most interesting ideas is that fiction teaches us "at the same time how to live and how to read novels." *Becoming a Heroine* weaves back and forth between detailed analyses of *Emma* and *The Egoist* and autobiographical descriptions of how a Jewish girl from Queens found nourishment and escape in books about people who "understood delicate and complex webs of feeling." Growing up, Brownstein was encouraged to read fiction by her father, who regarded novels as "women's things." *He* read Gibbon and Churchill. At Barnard College in the 1950s, she goes on to tell us, the choice of a husband (or, for the more up-to-date, a man to lose one's virginity to) was still *the* central concern of most women students. The autobiographical material is charming, almost novelistic, but in the end it's a bit of a tease. After arguing that a woman's choice of a husband is the all-important key to the quality of her life and even to the nature of her character, Brownstein tells us nothing about the man *she* chose and how the choice affected her. Perhaps she ran up against the novelist's perennial conflict between using one's life as material and keeping peace in the family. The omission truncates the book peculiarly, for by offering so many insights into her childhood and education, Brownstein comes to interest us in herself as a heroine. When she slams the gate and turns back to purely literary concerns, I felt as frustrated and curious as if someone had whisked *Daniel Deronda* out of my hands before I'd finished it.

Having said this, however, I should add that Brownstein's careful discussions of the novels are brilliant. She manages, by skillfully providing biographical touches, to cast new light on several authors. Few men have written well from the viewpoint of women; those who have frequently do so by crossing that mental gulf which makes men see women as alien creatures. Richardson said of himself, "a bashful man has a good deal of the soul of a woman." I would question Brownstein's assertion, in her description of *Mrs. Dalloway*, that Virginia Woolf was unable to achieve "the novelist's experience of escaping the self which for Tolstoy ended in his being Natasha." Surely, in novels written around and after the era of *Mrs. Dalloway*, character—male as well as female—is perceived as more diffuse and inward-turning than had been the case in the nineteenth century.

Norma Klein's latest novel is Wives and Other Women *(St. Martin's-Marek).*

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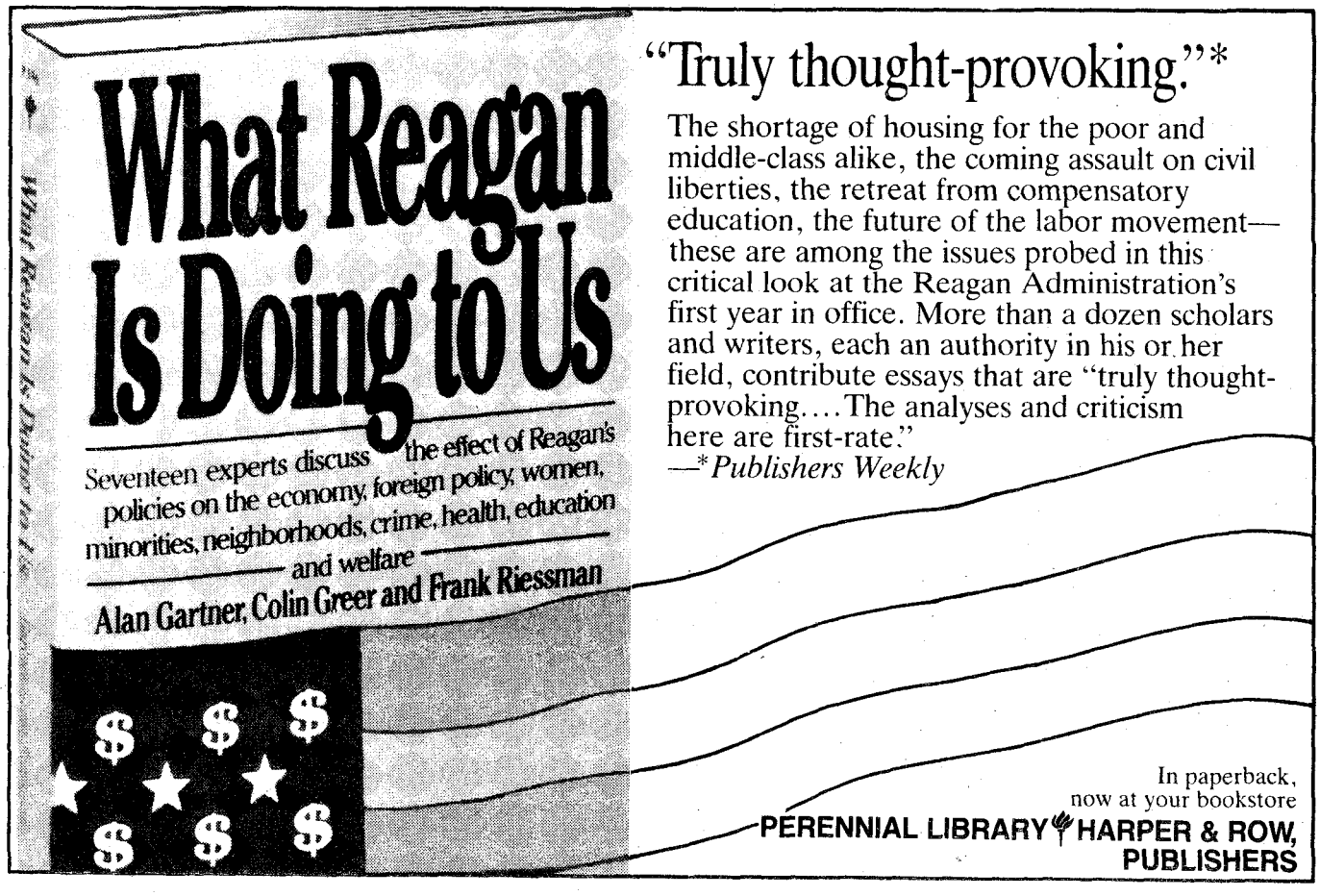
Tolstoy's adorable, mindless gamine-turned-housewife strikes the modern reader not as a real, complex woman, imagined by an author who has escaped the self, but as the subtly distorted fantasy of a man with very stereotyped ideas about what qualities are appealing in a woman.

More instructive is Brownstein's view of Jane Austen as the quintessential sister. Having never married, Austen's primary relationships were with her beloved only sister, Cassandra, and with her several brothers. Brownstein contends that Austen's view of her characters was a sisterly one as well: she softens the traditional view of the rake, for example, by seeing him as a sister would—with a more indulgent, compassionate eye. George Eliot, on the other hand, who lived with a man who had grown children, viewed life as a kindly stepmother, observing her characters with detached affection rather than passionate warmth.

Particularly intelligent is Brownstein's examination of the sexual life of her heroines, a life rarely openly described, but always central to the plot. Her analysis of the relationships between Austen's heroines and their fathers leads her to conclude that, for Emma and Elizabeth Bennet, marriage means moving from a celibate, affectionate rapport with an adored father to a richer connection with a man. By marrying, Emma "chooses to be no longer worshipped, no longer aloof from the sexual life and lot of most women." The men with whom Austen's heroines end up sharing their lives also come, by virtue of that sharing, to redefine their image of women. Darcy, "by learning to love a witty woman," comes "to alter his standards of womanly excellence." Through satire, "traditionally the weapon of the party out of power," Austen is able to express the complexity of her heroine's moral and emotional life in "a single obligatory, altogether conventional act." (Perhaps Austen was aided, too, by the vision that even her admirable heroines were essentially flawed. "Pictures of perfection," she wrote, "make me sick and wicked.")

Jane Austen is the only author Brownstein treats in depth; she provides fascinating commentaries on each of her novels. One senses that Brownstein gives Austen so much attention not only because of Austen's greatness as a writer but because, of all the writers considered, she is the only one who found for her characters a happy way out of the classic heroine's dilemma. The usual fate of these heroines is pretty bleak. Clarissa Harlowe, after being raped, dies. Gwendolyn Harleth, hoping to find freedom and joy in marriage, finds nothing but misery with her cold and sadistic husband. Isabel Archer, who begins by seeing life spread out beautifully before her, makes a critically wrong choice of husband and dooms herself, perhaps permanently. Adultery, the way out of unhappy alliances for heroines in nineteenth-century European fiction—Emma Bovary, Anna Karenina—was not seen as an alternative by the English writers Brownstein considers.

Brownstein ends with a brief discussion of modern novels about women, but it is too brief to bridge the gap between the past and what has happened to fictional heroines since Mrs. Dalloway gave her celebrated party. I suspect, though, that Brownstein is overly optimistic when she states, "Today we read novels about women without apology." The sad fact is that today novels written from the point of view of women (usually these novels are also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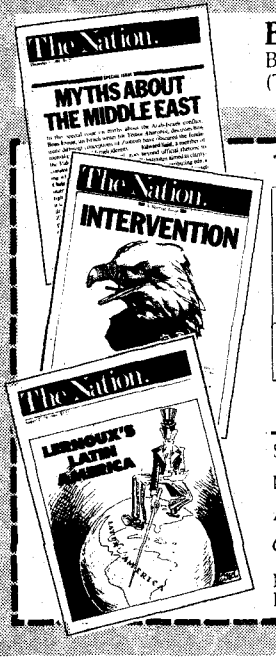

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written by women) are read mainly by women. Novels written from the point of view of men (usually written by men) are read by everyone. There is still a ghetto for "women's fiction." And the women novelists who are seriously reviewed are still predominantly those who write, at least half the time, from the point of view of men—A. G. Mojtabai, Anne Tyler, Nadine Gordimer, Ann Beattie. Brownstein is right that the great writers gave women readers courage by treating their lives as worthy. But I don't think most men have ever been convinced that choosing a husband—or, for that matter, a wife—is as intrinsically interesting a subject as fighting a war. What a pity, for all of us.

A footnote: Books like *Becoming a Heroine* often end up being published by university presses. Cheers and bouquets to Viking, then, for having the courage to offer Brownstein the wider readership she deserves. □

THEATER.

RICHARD GILMAN

A Doll's Life

Contrary to what many people think, it isn't a pleasure for any critic of ordinary integrity to be forever jumping on the creations he or she is called upon to examine. Victor Hugo once described a powerful and vituperative critic of his day as "a poison mushroom waiting confidently to be bitten," but I don't think there are too many of that species around. In my own case, to write about something I admire is far more satisfying than to go on the attack. For one thing, criticism is always fullest when it adds light to an already worthy object; for another, it stretches the mind to have to find words of love and appreciation that aren't ruined by familiarity.

All this is by way of preamble to some reflections on *A Doll's Life*. There's not much I can add to what you may have already heard or read regarding this abysmal piece of work, concerning which there has been an unusual unanimity of negative critical opinion. After a troubled appearance in Los Angeles, it came to Broadway and closed after four performances. It carried down with it something more than $4 million and, temporarily at

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least, the reputations of its principal perpetrators, Betty Comden and Adolph Green, who wrote the book and lyrics, and Harold Prince, the director. (Nobody seems to have noticed that it took eight producers, including a corporation, to put the thing on.)

The only justification I have for doing even the briefest post-mortem on *A Doll's Life* is that the whole dismal affair has wider cultural implications than are afforded by the specific details of its ineptness and stupidity. These are abundant enough: Comden and Green's absolute lack of understanding of Ibsen's play and of Nora, whom they turn into a silly, flirtatious creature having *fun* and *adventure* in her new life of freedom and at the same time mouthing feminist jargon. As further evidence there are the dreadful lyrics ("Worse than being on your own/is to mate and feel alone"); the graceless operetta-like score (by Larry Grossman); and Hal Prince's horrid staging, full of his increasingly tiresome mannerisms—everything coming down from the flies or sliding in from the wings, little knots of singers booming out where you don't expect them, each bit of activity shaped toward an *effect*.

My impulse was to swallow hard and shake off the memory. But there are those wider implications. A few reviewers, while disliking the results, spoke of what a "good idea" it was to extend Ibsen's play into a new space, speculating on what Nora's life might have been like later on. Well, it wasn't a good idea; it was an atrocious one.

I don't mean that it's foolish to ruminate, after you've seen or read *A Doll House*, on what might have happened after Nora slammed the door. The phrase itself is almost part of sociological folklore by now, and is the title of a witty feminist book by Eve Merriam. But to write another play as a sequel to the splendid original seems to me an appalling show of chutzpah as well as a sign of never having grasped *A Doll House* itself or, for that matter, the nature of dramatic art.

Must it be said again that a play tells us what the author wishes us to know? The famous question, "How many children had Lady Macbeth?" points up the fact that had Shakespeare wanted us to know, had it mattered to his dramatic scheme, he would have told us. Similarly, had Ibsen wanted to write about Nora's later life, he would have. Indeed, it can be argued that, in a way, he

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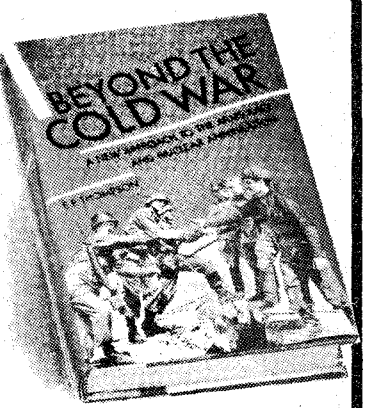

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did write about that by fashioning *Ghosts*, in which Mrs. Alving—who, as he said, "had to come" once he'd created Nora—exemplifies the earlier character's possible fate had she stayed with Thorwald. (Incidentally, *A Doll's Life* has her coming optimistically back to him!) But Ibsen never thought of writing directly about her, beyond the play. The dramatic substance had been given its proper shape, the human dilemma exposed, the imaginative point made.

Whatever inspired Comden, Green and Prince to embark on their peculiar and ill-fated venture, a prominent element was surely the current belief that what's worked in one form or medium can work in another. Plays are made into musicals, which are turned into movies and then "novelized." Characters are given subsequent adventures: *Rocky* or *Superman II* or *III*. Successful works of any kind are plundered, cannibalized, remodeled: *8½* for *Nine*; rock versions of Shakespeare or the Bible. The new possibilities *A Doll's Life* suggests are boundless and unspeakable: Godot comes, the Three Sisters make it to Moscow. Still, those $4 million may serve for a while as a deterrent. □

FILMS.

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Inchon

If I were well disposed toward the Rev. Sun Myung Moon, I would commiserate with him over *Inchon*, the hagiographic farce that celebrates the Korean War exploits of his hero, Gen. Douglas MacArthur. The movie has been gleefully savaged by other reviewers, and there is no need to inveigh here against its simplistic view of history and its puerile story line. As a "special adviser," Reverend Moon is said to have enjoyed significant control over the enterprise. Why he was permitted to do so has not been divulged, but it occurs to me that he may have backed his views with a substantial investment in this obviously expensive spectacle.

I wonder, then, if anyone tried to warn him against engaging Sir Laurence Olivier for the central role. The Reverend Moon is adept at the mass indoctrination of youth and the accumulation of real estate, but clearly he knows nothing about the ways of England's knighted actors. Sir Ralph Richardson, Sir John Gielgud or, in this case, Sir Laurence—would any one of them graciously associate himself with the most blatant of commercial productions, especially if the part called for extensive makeup and an exotic accent? No. He would disport himself by exercising his powerful talent to produce outrageously thick slices of ham. It is always great fun, and it usually makes a shambles of an unenterprising but inoffensive text.

Inchon is neither unenterprising nor inoffensive, but Olivier indeed makes a shambles of it. His MacArthur visage looks like a papier-mâché death mask, and his weak and reedy conversational voice (intended, I believe, to suggest sardonic Yankee wit) sounds like an emanation from the tomb. He displays a geriatric sprightliness that is just short of a buck and wing. The noble lines provided him at critical moments are mock-heroic gems, and Olivier delivers them, usually in close-up, with a dead pan sincerity that would have a night-club audience rolling among the tables. In short, his is a superb performance of a stand-up comedian deflating an overrated celebrity.

Now I'm by no means certain that Olivier set out to sabotage Reverend Moon's adulatory memorial; I've heard in fact that he expresses great personal admiration for MacArthur. Nor am I sure that the behavior of Olivier and his peers, when confronted with inadequate scripts, is entirely, or even consciously, mischievous. It may also be that, recognizing the mediocrity of the material, they let fly all their histrionic powers in an attempt to create a dramatic occasion. But the sight of a man employing a torch to light a cigar is intrinsically comic, and the actor so engaged is hoist with his own talent, turning *Inchon* into a demonstration of what can happen when you hire an actor who is much too good for the job. This time it made an ass of Sun Myung Moon. □

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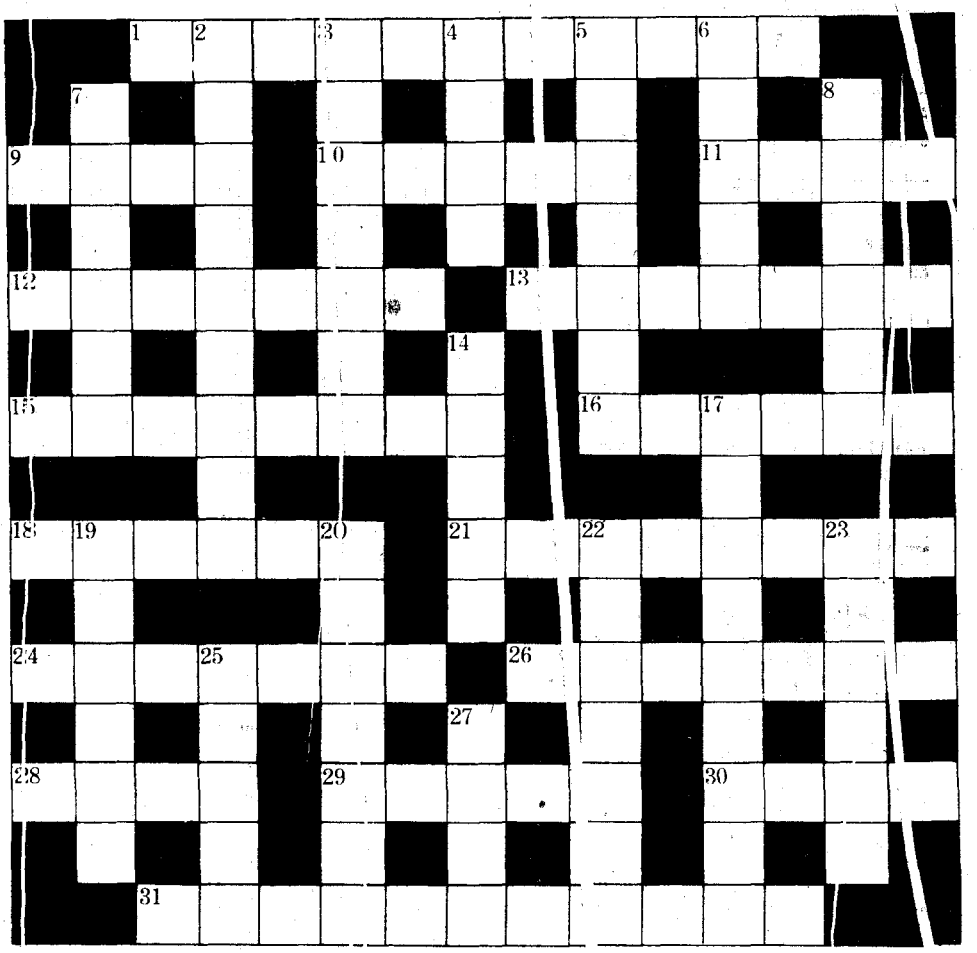

ACROSS

1 Steal something from the Louvre? (That's not very conventional!) (8,3)
9, 10, 29 and 30 They obviously wouldn't sell many annuals! (4-2-3-5,4)
11 and 4 down A mixture of the vegetable-animal kingdoms creates rather low types. (8)
12 At which Sullivan was probably seated one day, weary to start with. (That's one way to cheer people up!) (7)
13 Sounds like where the bored sportsman/shopkeeper may have gone. (Does it imply "let's split"?) (7)
15 Perhaps it is when viewing murals, but there's a lot of white showing this way. (4-4)
16 Two make a whole lot of paschal vestments. (6)
18 Is the sailor employed or misemployed? (6)
21 See 5 down
24 Remembers what one does when the line is busy? (7)
26 They have about 50 ounces of silver and nitrogen in common flowers. (7)
28 See 5 down
29 and 30 See 9
31 Sort of man this with the sheet, as a sailor says. (One wouldn't want people about!) (11)

DOWN

2 They're supposed to raise money—but evidently someone cooks with things like beer! (4,5)
3 You can't roll eyes to show what evidently was a danger in St. Louis. (7)
4 See 11 across
5, 28 and 21 across Due to the fact that penthouses are so expensive? (3,4,4,2,6)
6 Prose composition reputedly known by experts. (5)
7 A light circle of smoke, possibly. (6)
8 The main part in "Life with Father"? (If one is taken, he might give it.) (6)
14 For this special purpose, take little notice and begin to prawn something. (2,3)
17 Not for Isolde's drink—and it doesn't take a Don Juan to deserve one. (6,3)
19 You might find one in a corner of France. (6)
20 Buffalo? That's what its horns might do. (7)
22 You'll find a real sort around the thing that is sometimes marked "genuine." (7)
23 When I'm busy, you'll find a cloud there. (6)
25 The range of a twisted tail. (5)
27 Our country started out with one. (4)

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